



SPECIAL PERMIT ACCEPTED: April 25, 2013
VARIANCE ACCEPTED: February 25, 2013
MOVED AT THE APPLICANT'S REQUEST
BOARD OF ZONING APPEALS: July 17, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 10, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-DR-032
CONCURRENT WITH VARIANCE APPLICATION NO. VC 2013-DR-004

DRANESVILLE DISTRICT

APPLICANTS/OWNERS:	Jil and Abhijit Dutta
SUBDIVISION:	Beach Mill Hill
STREET ADDRESS:	11318 Beach Mill Road, Great Falls, 22066
TAX MAP REFERENCE:	002-4 ((02)) A
LOT SIZE:	2.0 acres
ZONING DISTRICT:	R-E
ZONING ORDINANCE PROVISIONS:	8-918, 8-914, 10-104, 18-401
SPECIAL PERMIT PROPOSAL:	To permit an accessory dwelling unit in an existing dwelling and to permit an accessory storage structure to remain in the minimum required front yard.
VARIANCE PROPOSAL:	To permit fence greater than 7.0 ft. in height in front yard.
STAFF RECOMMENDATION:	Staff recommends approval of SP 2013-DR-032 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

O:\gumk2\SP Cases\7-17) SP 2012-DR-032_VC 2013-DR-004 Dutta (ADU, fence, shed)\SP 2013-DR-032_VC 2013-DR-004 Dutta Staff Report.doc

Laura Gumkowski

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



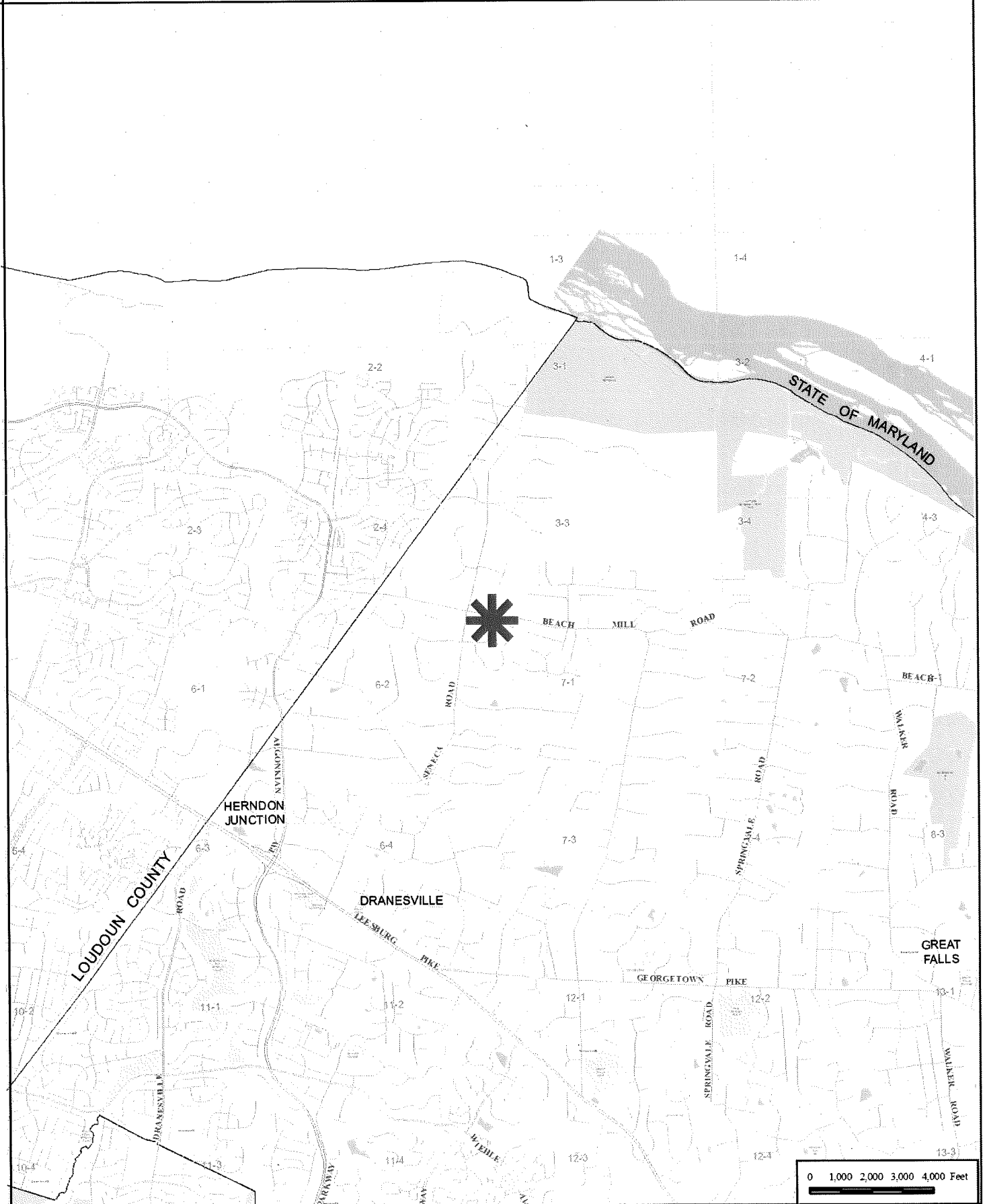
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-DR-032
JIL AND ABHIJIT DUTTA

Variance Application

VC 2013-DR-004
JIL DUTTA



Special Permit

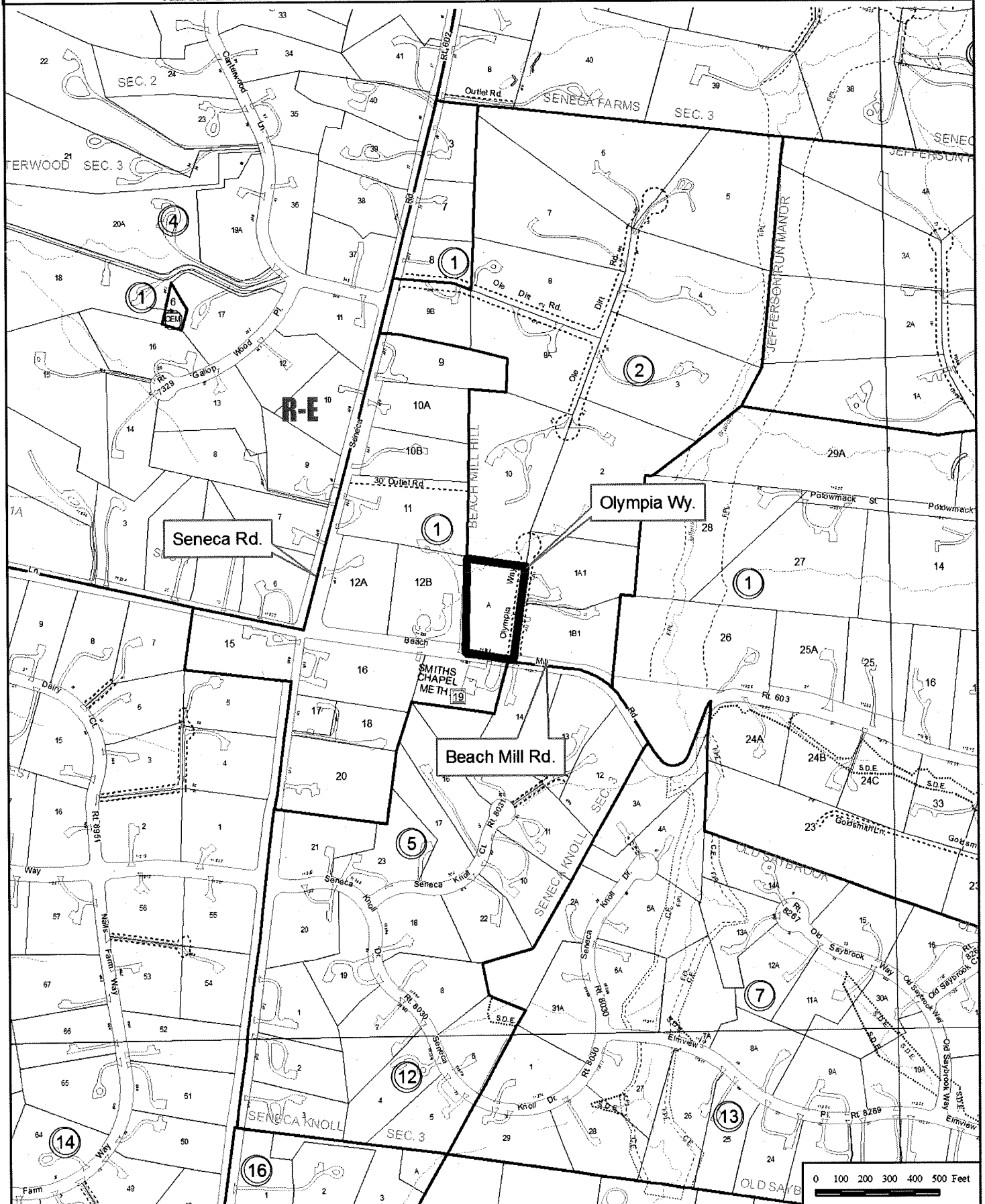
SP 2013-DR-032

JIL AND ABHIJIT DUTTA

Variance Application

VC 2013-DR-004

JIL DUTTA

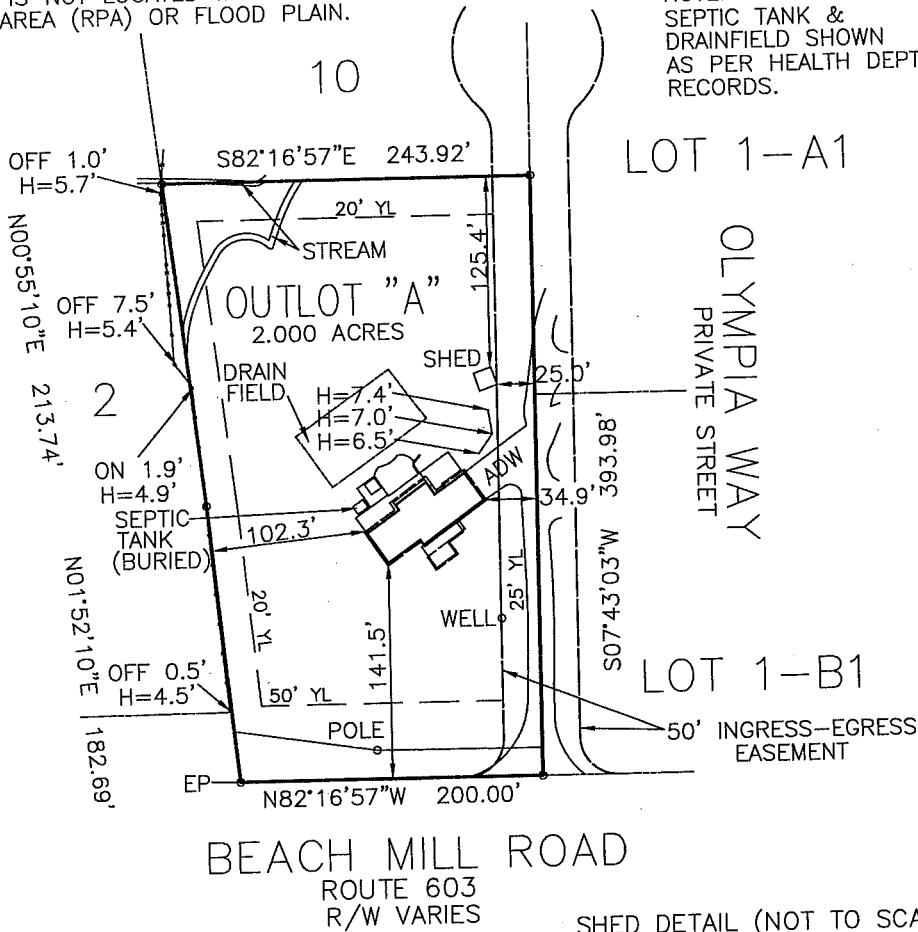


NOTES: MAP #: 002-4 ((02)) A
 ZONED: RE(RES ESTATE 1DU/2AC)
 NO LAND DISTURBANCE PROPOSED
 THERE ARE NO KNOWN GRAVE SITES
 THERE ARE NO KNOWN UTILITY ESM'TS OVER 25'
 LOT IS NOT LOCATED WITHIN A RESOURCE PROTECTION
 AREA (RPA) OR FLOOD PLAIN.

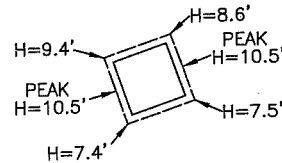
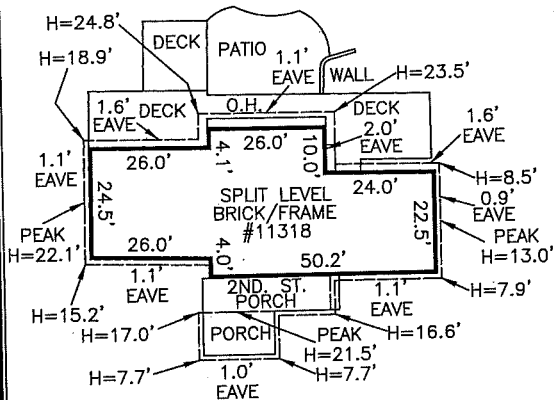
OWNER: DUTTA, ABHIJIT
 (BK: 17394 PG: 2047)

NOTE:
 SEPTIC TANK &
 DRAINFIELD SHOWN
 AS PER HEALTH DEPT.
 RECORDS.

HARRY AND FRANCES GOLDSTEIN PROPERTY



HOUSE DETAIL : 1" = 30'

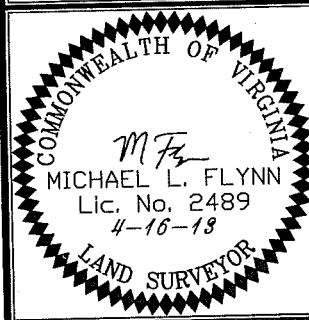


SPECIAL PERMIT PLAT
 ON THE PROPERTY OF
 OUTLOT A
BEACH MILL HILL
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT #1
 SCALE: 1" = 100' OCTOBER 26, 2012
 REVISED 4/16/13

CASE NAME:

GRAPHIC SCALE

0 100 200



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET.
 BOUNDARY SURVEY NOT PERFORMED.
 PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS
 OF ALL THE EXISTING IMPROVEMENTS
 HAVE BEEN CAREFULLY ESTABLISHED BY
 A CURRENT FIELD SURVEY AND, UNLESS
 OTHERWISE SHOWN THERE ARE NO
 VISIBLE ENCROACHMENTS.

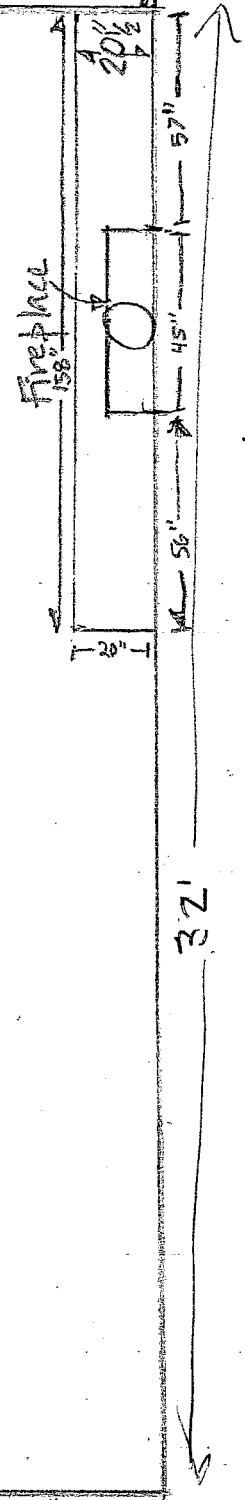
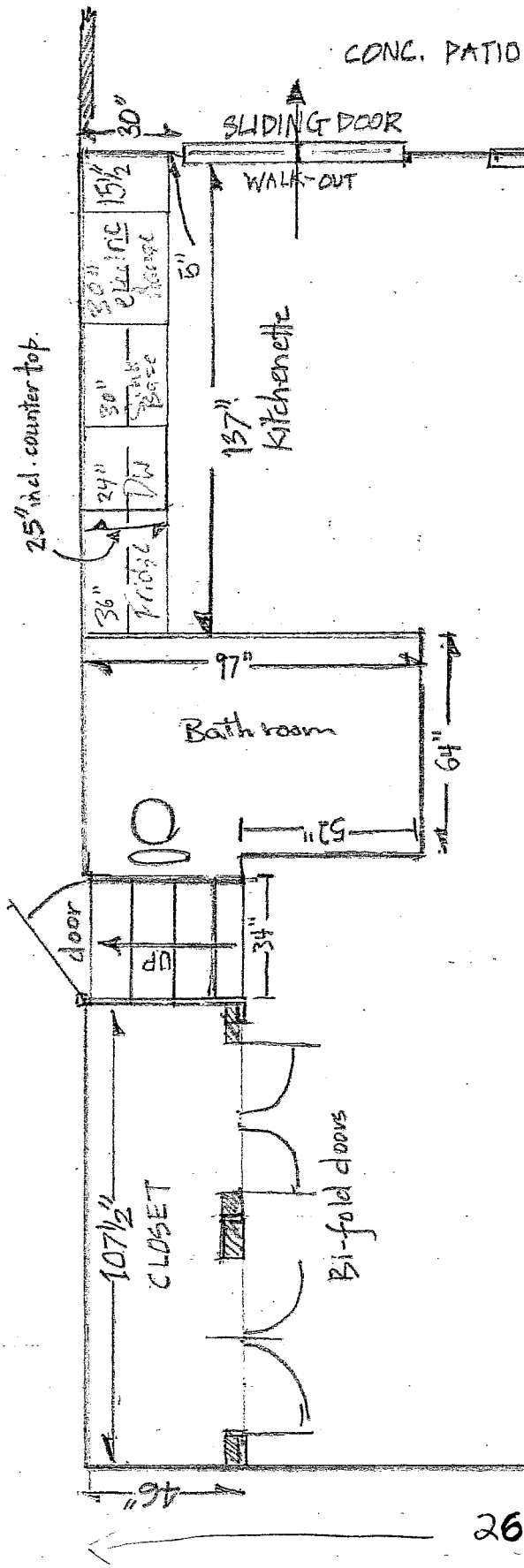
REQUESTED BY:

JILL DUTTA

ALEXANDRIA SURVEYS, LLC

3949 PENDER DRIVE, STE #105 FAIRFAX, VIRGINIA 22030
 TEL. NO. 703-660-6615 FAX NO. 703-768-7764

NEXT LEVEL



BASEMENT LAYOUT

1 sq. = 1 ft



house

BETTY
BROWN
LOT 1

Neighbors
Office

Olympia way

2 1/2 STORY
BRICK FRAME

PORCH OVER PATIO
CHIMNEY FENCE
GARAGE

PORCH
ROOF

WELL



16' 57" W

200.00'

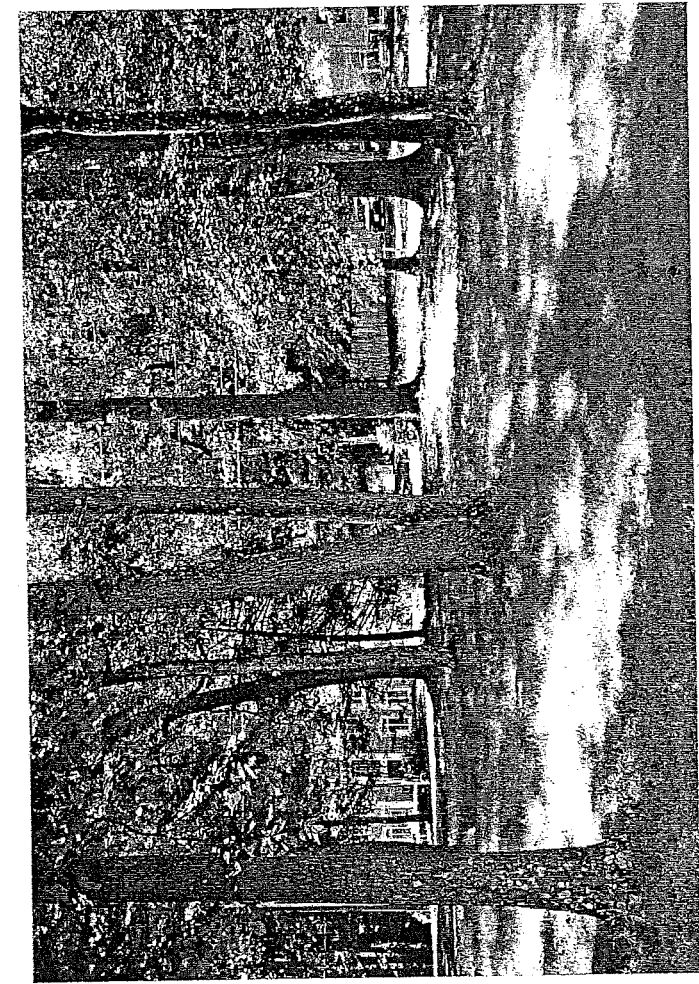
HILL ROAD - RTE. #603

RED WITHOUT
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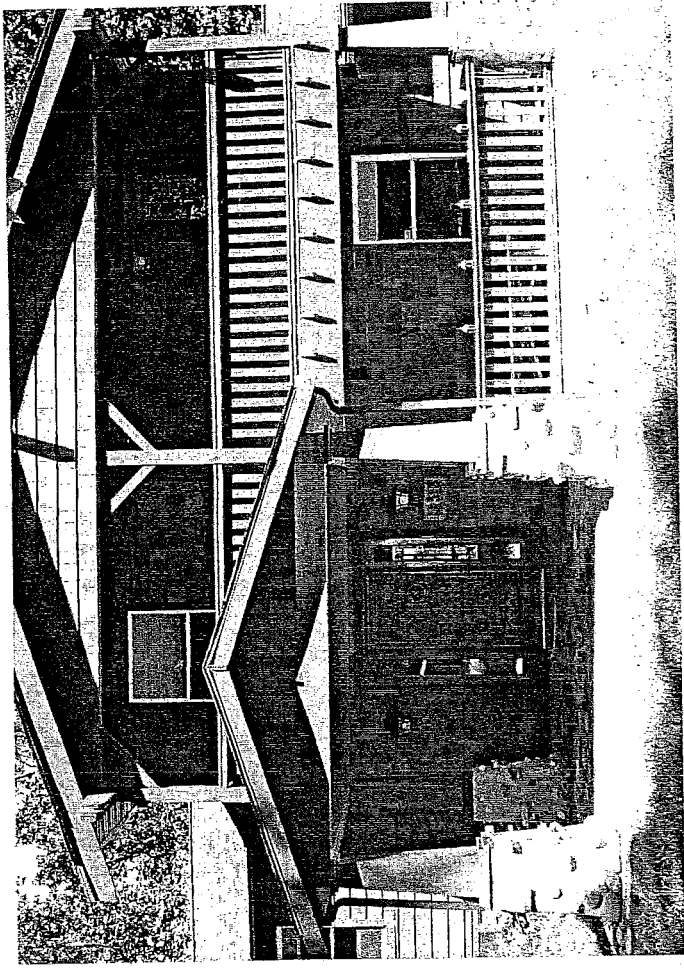
Church

RECEIVED
Department of Planning & Zoning
AUG 13 2012
Zoning Evaluation Division

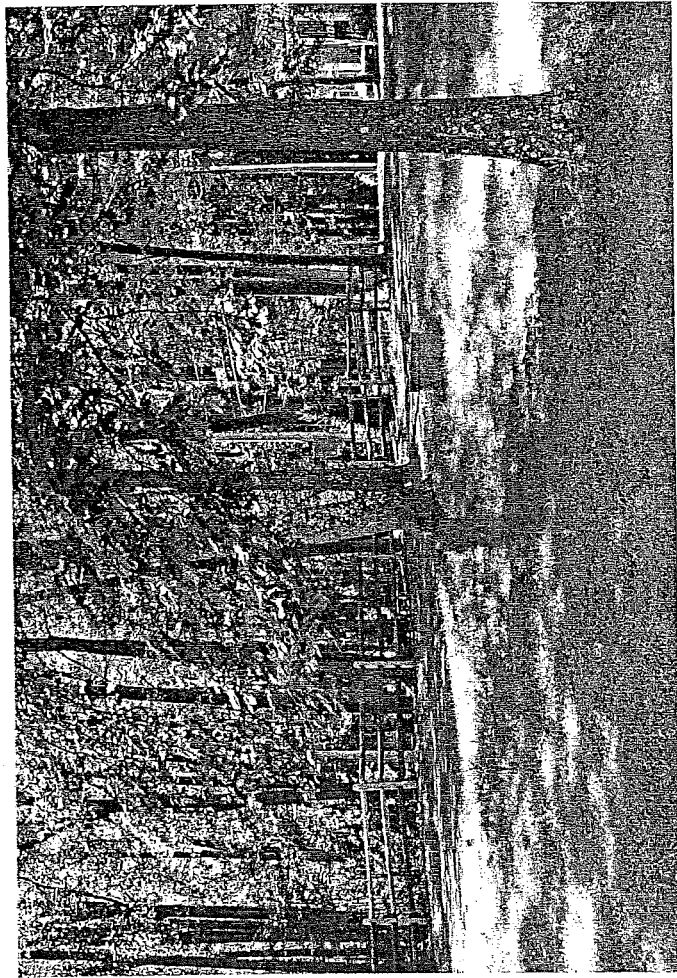
House



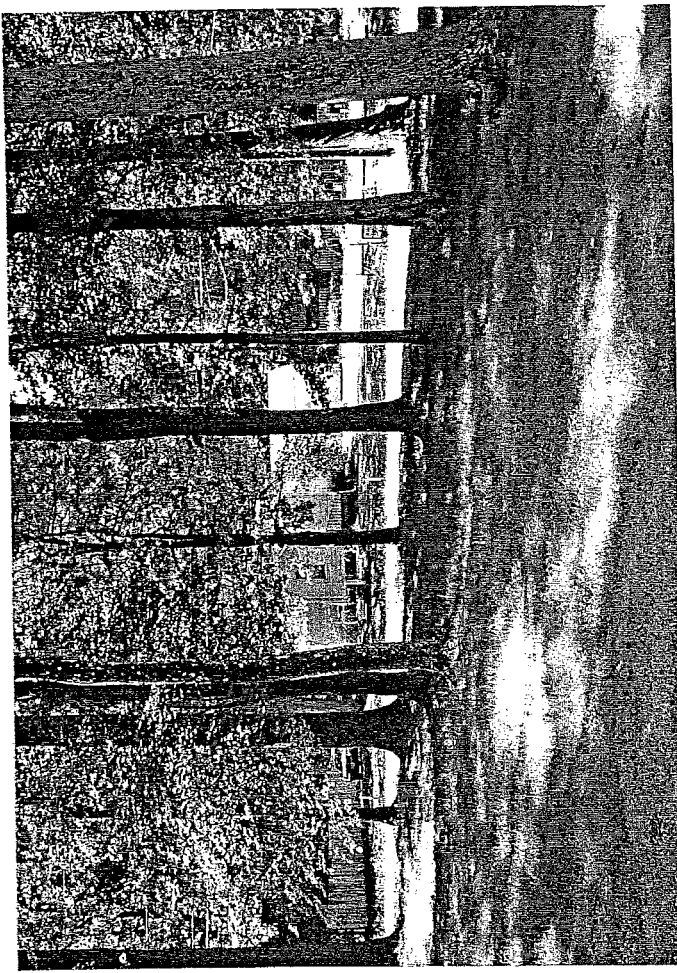
A House across the Street



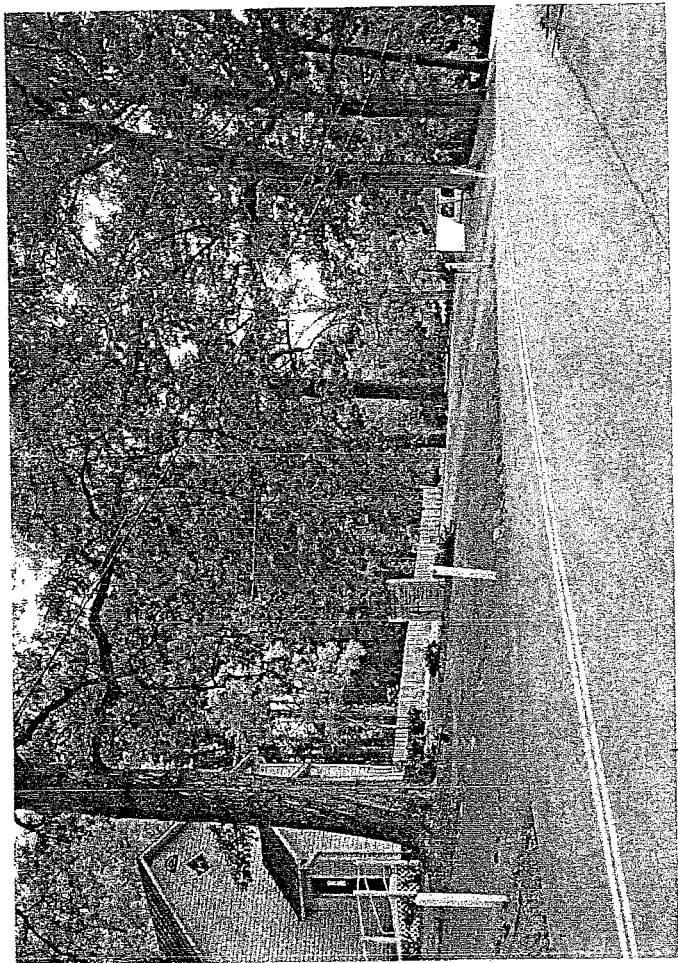
B my house



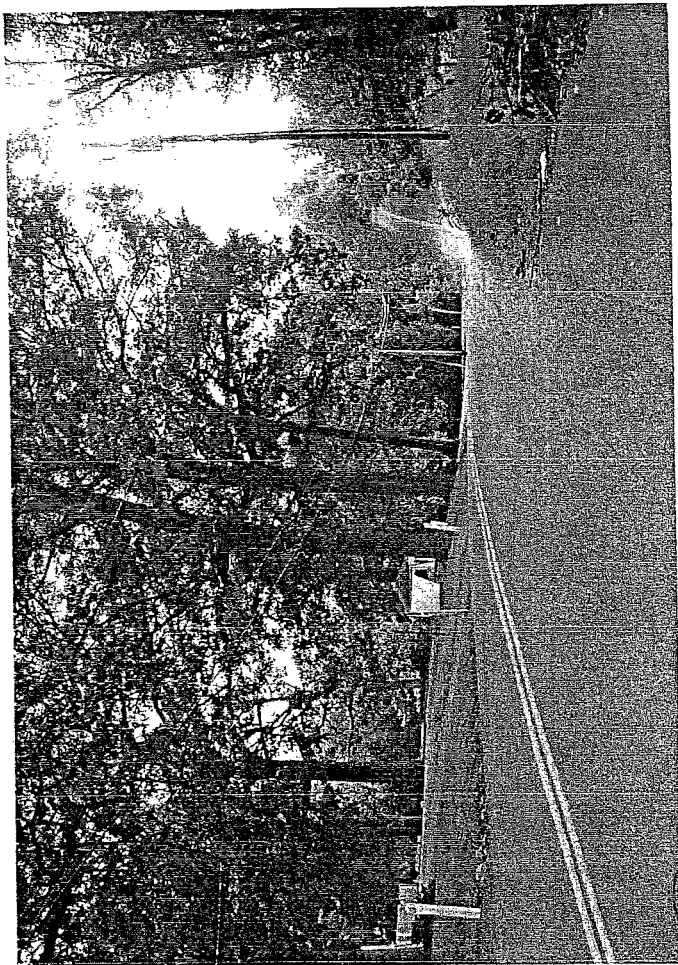
C neighbors yard to my left.



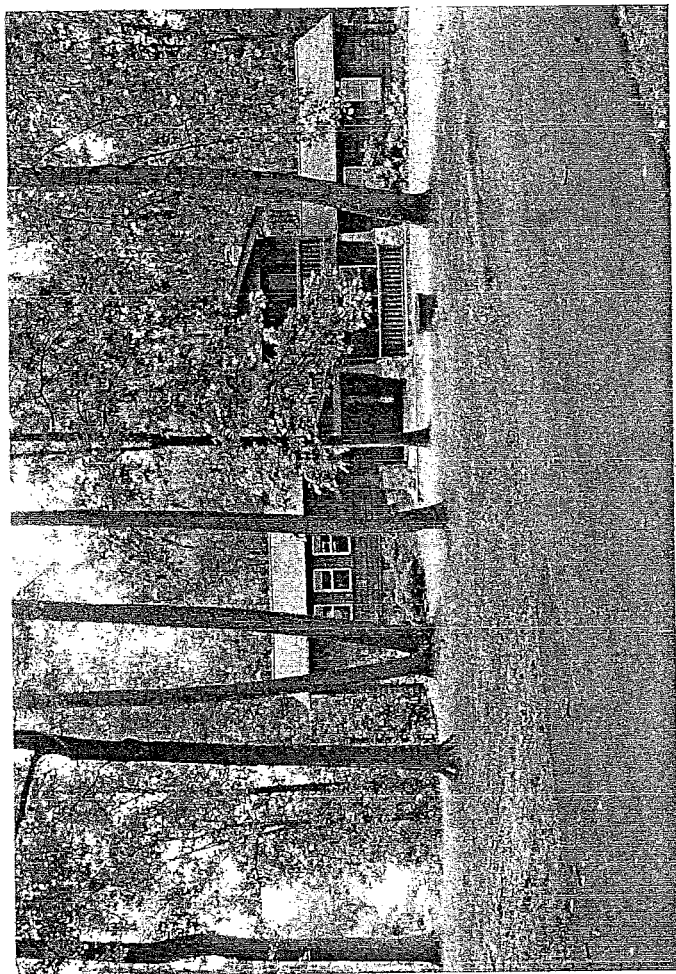
D church across the Street



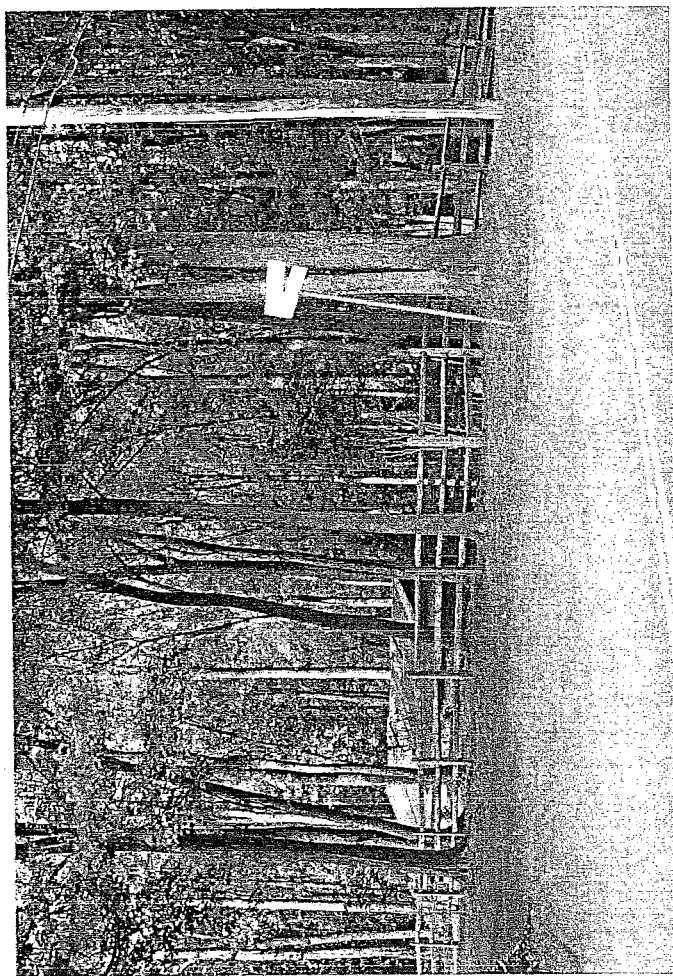
F Church



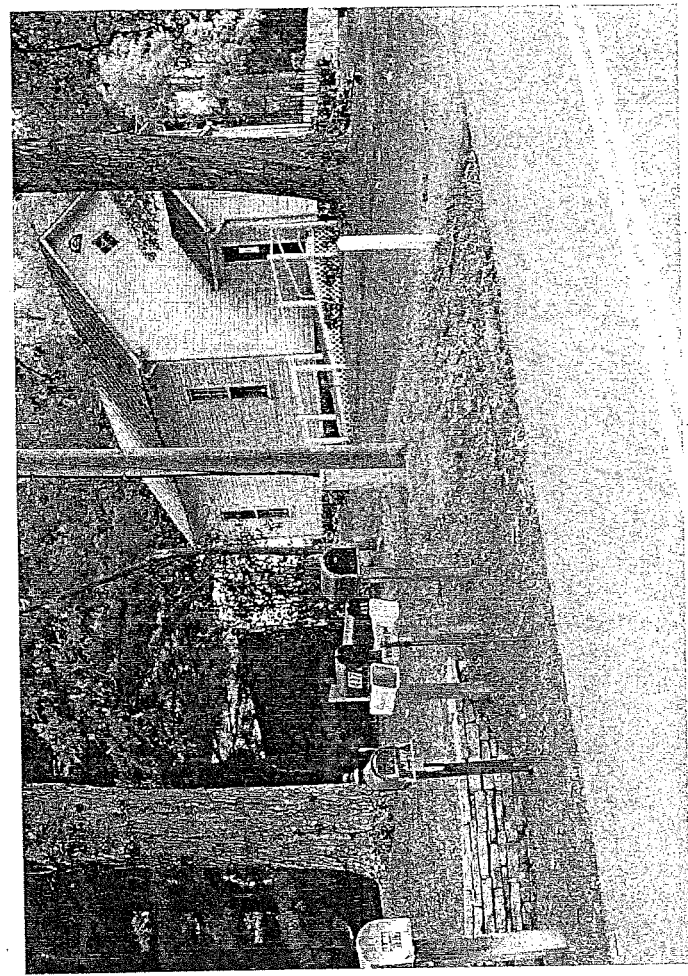
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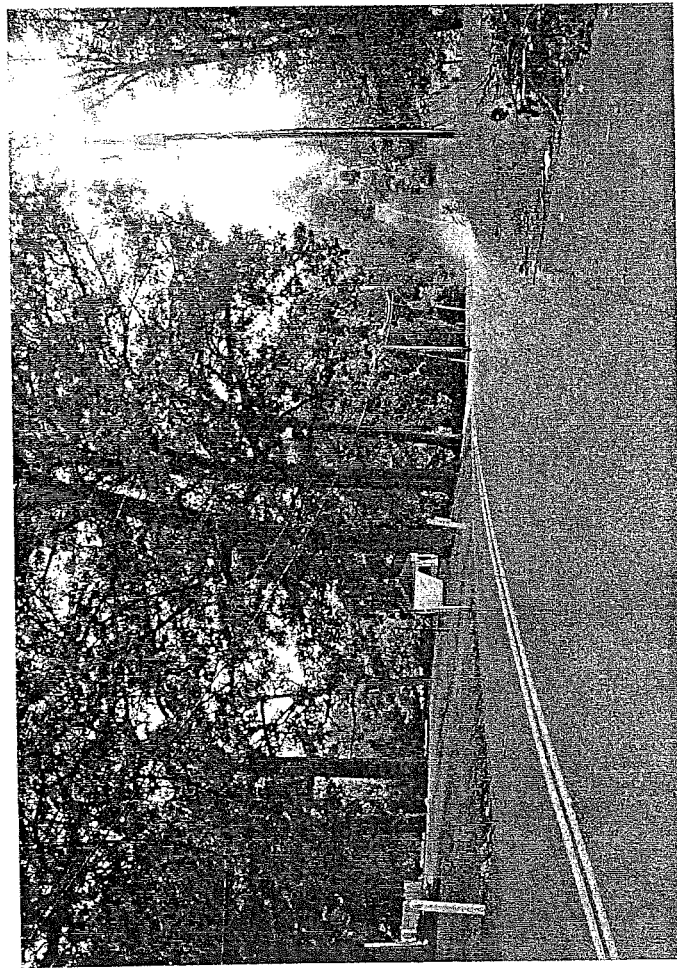
E my house



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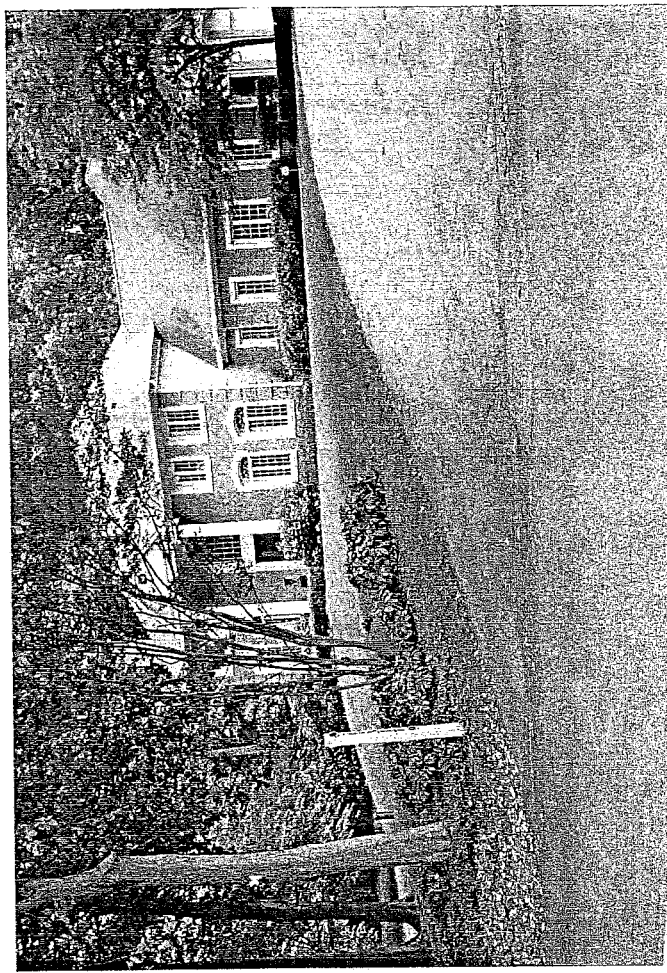
I Church across Street



K looking up Beach Mill



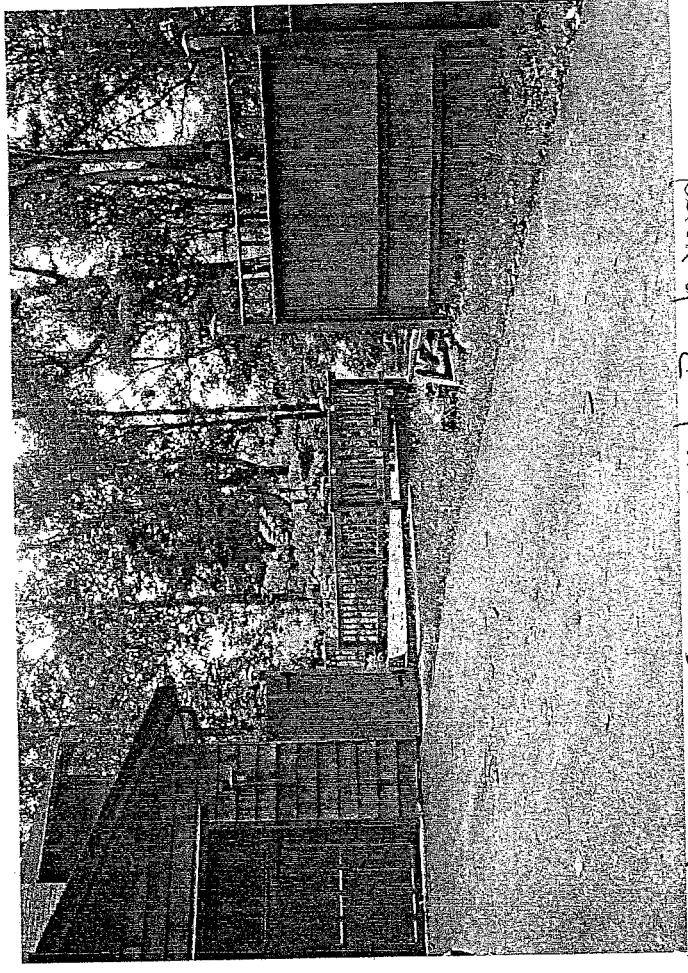
J Looking down Beach Mill



L House across Street



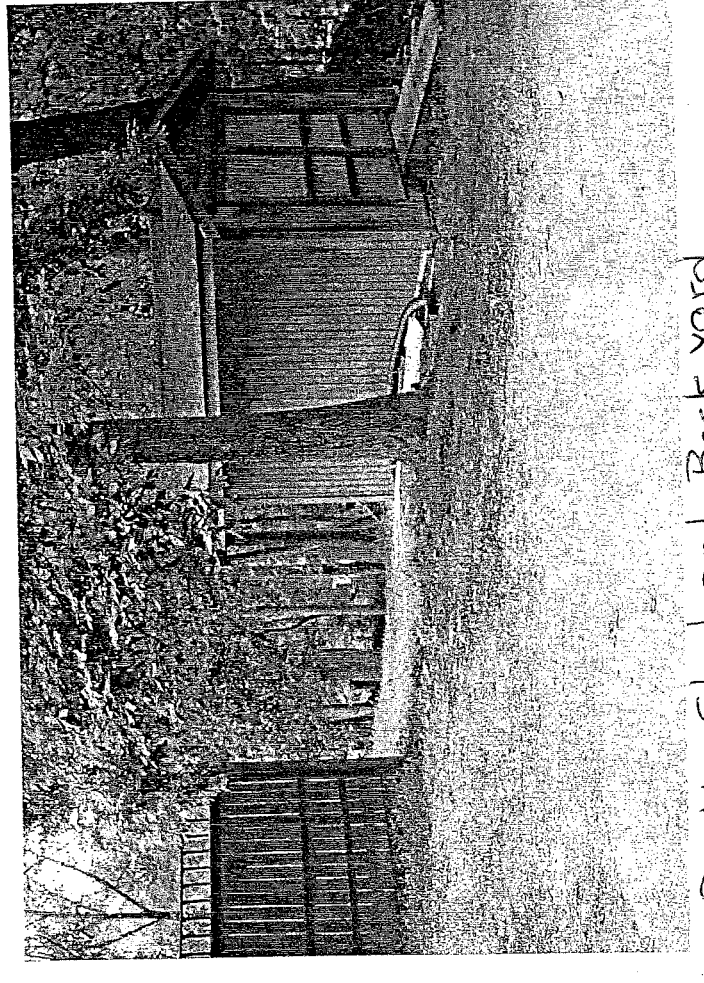
M House across from mine on Olympia Way



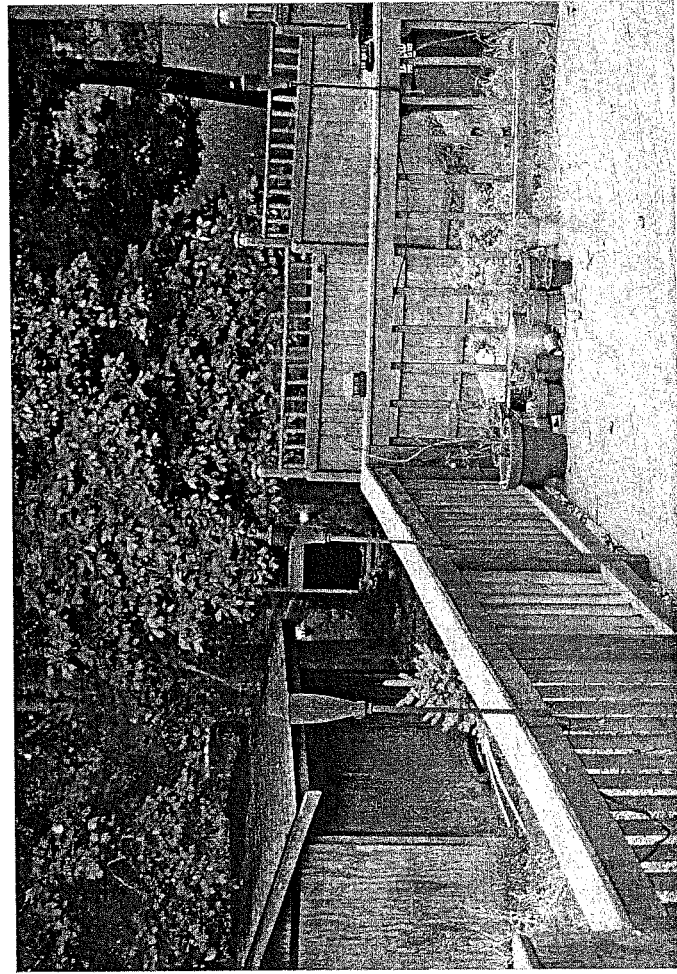
N. my Garage and Back yard



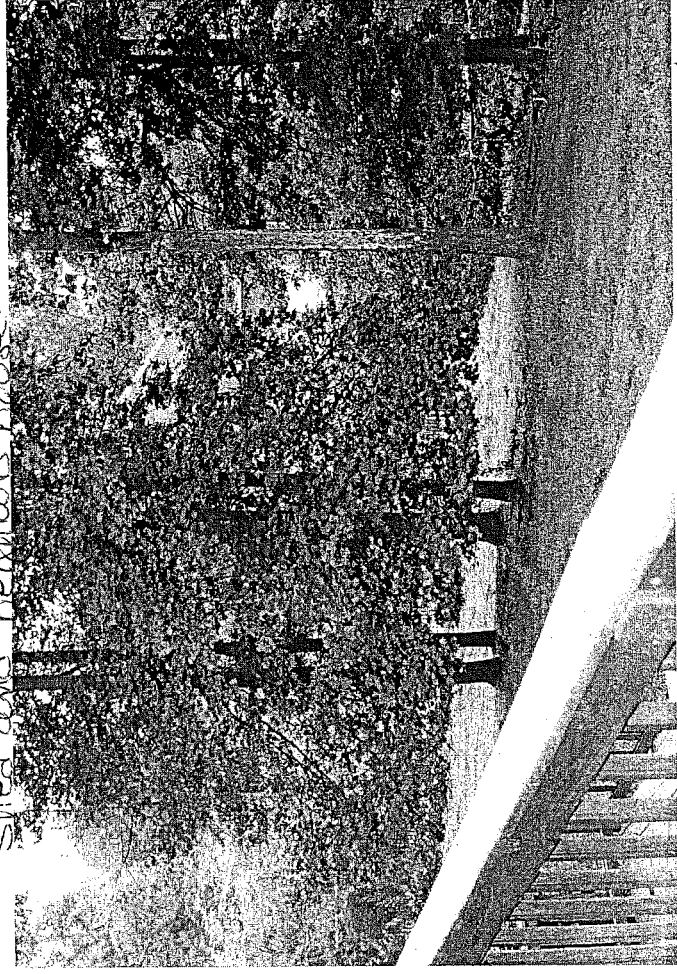
G O - my Driveway and Garage.



P My Shed and Back yard



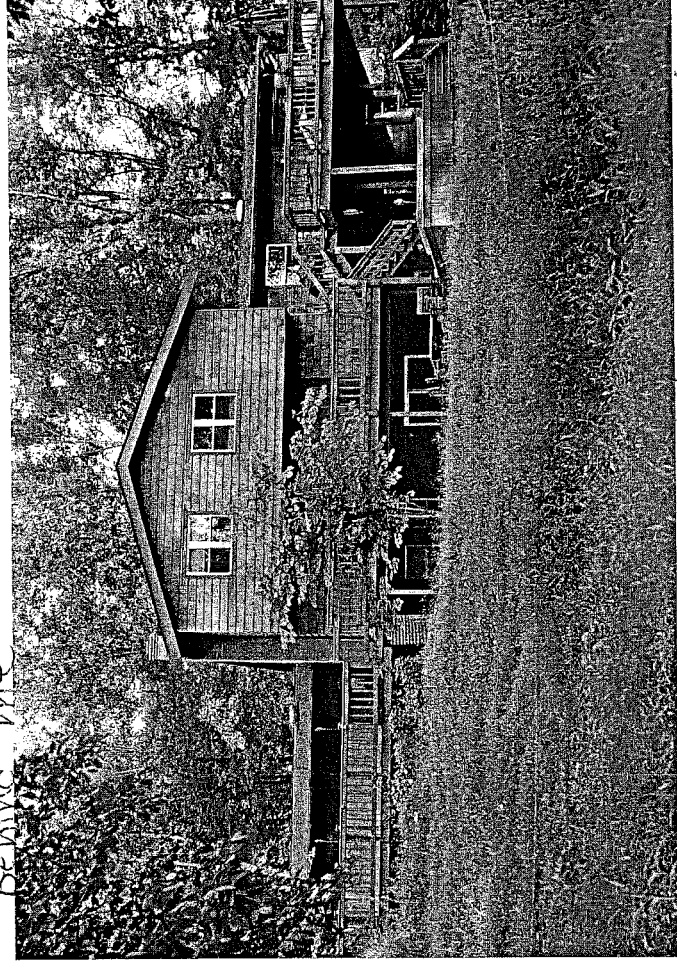
② From my Back yard looking at Back of my Shed and neighbors house.



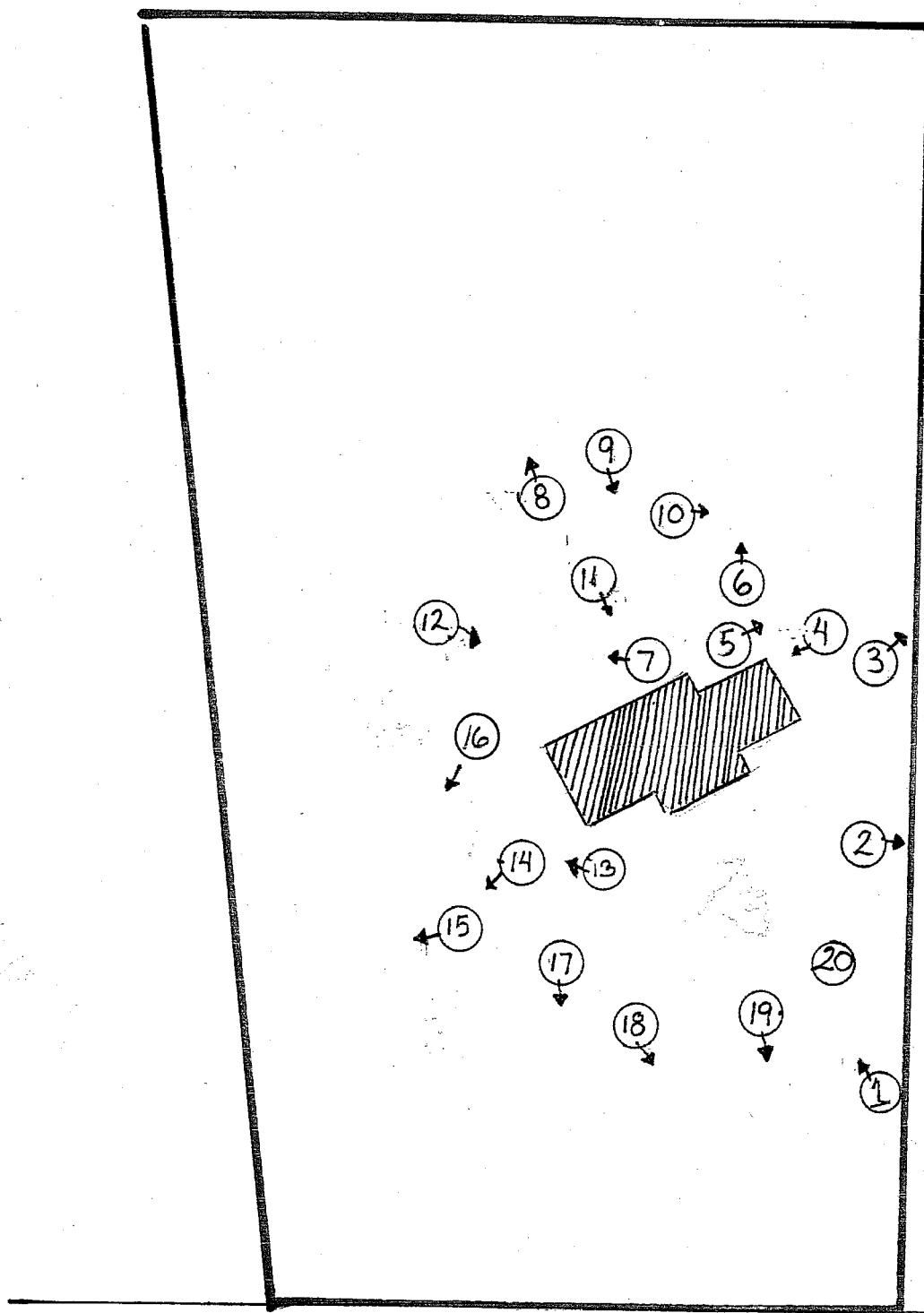
⑤ From my Patch looking at neighbors House



③ From my Back yard looking at house Behind me

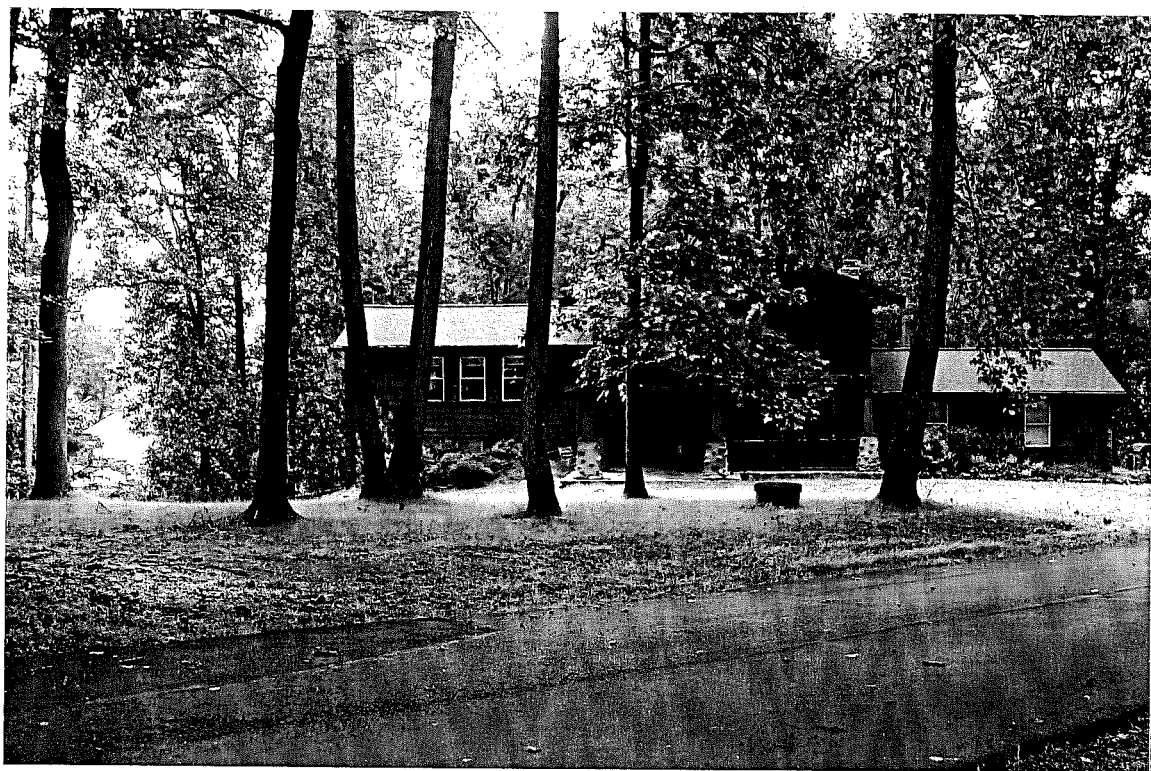


④ From my back yard looking at my house.



11318 - Beach Mill Road ,

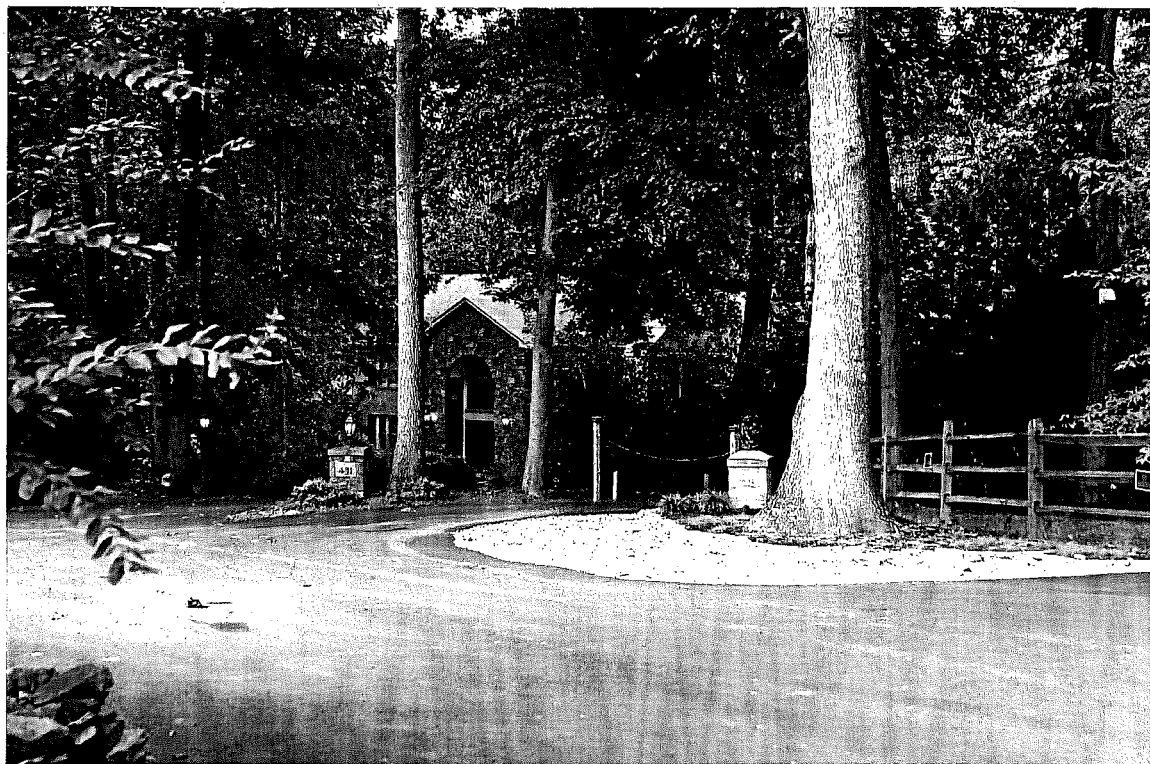
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②



③



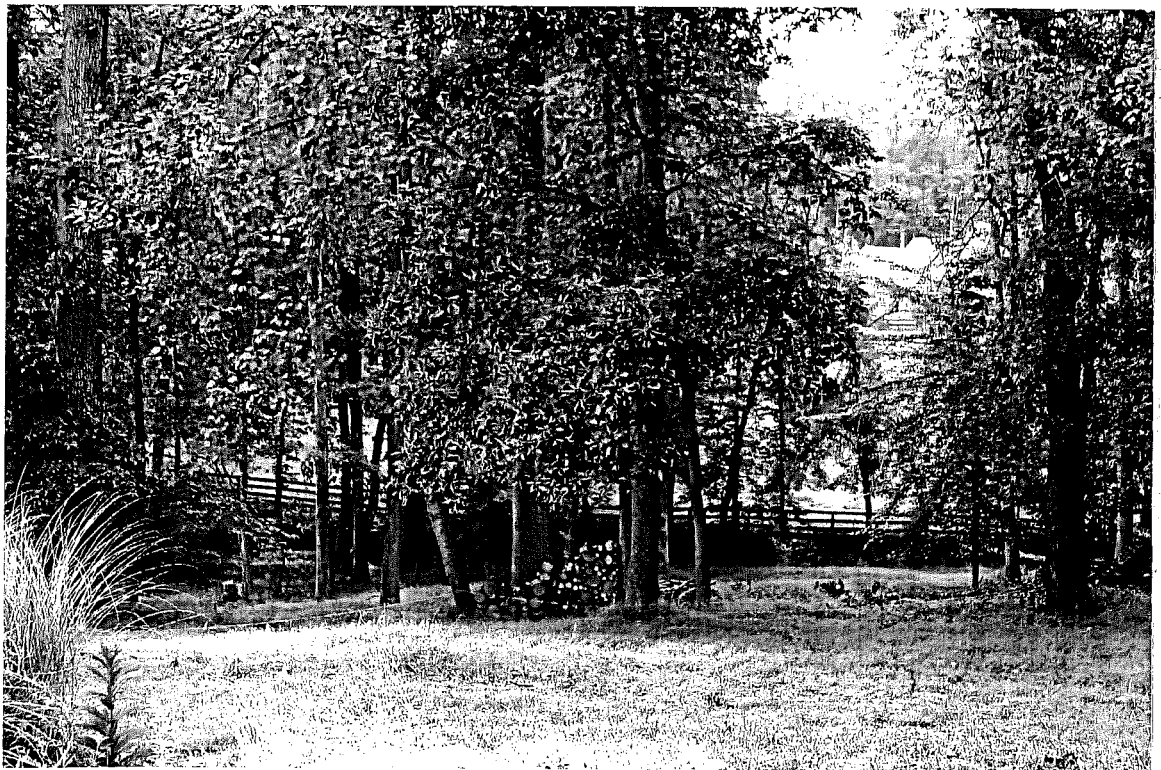
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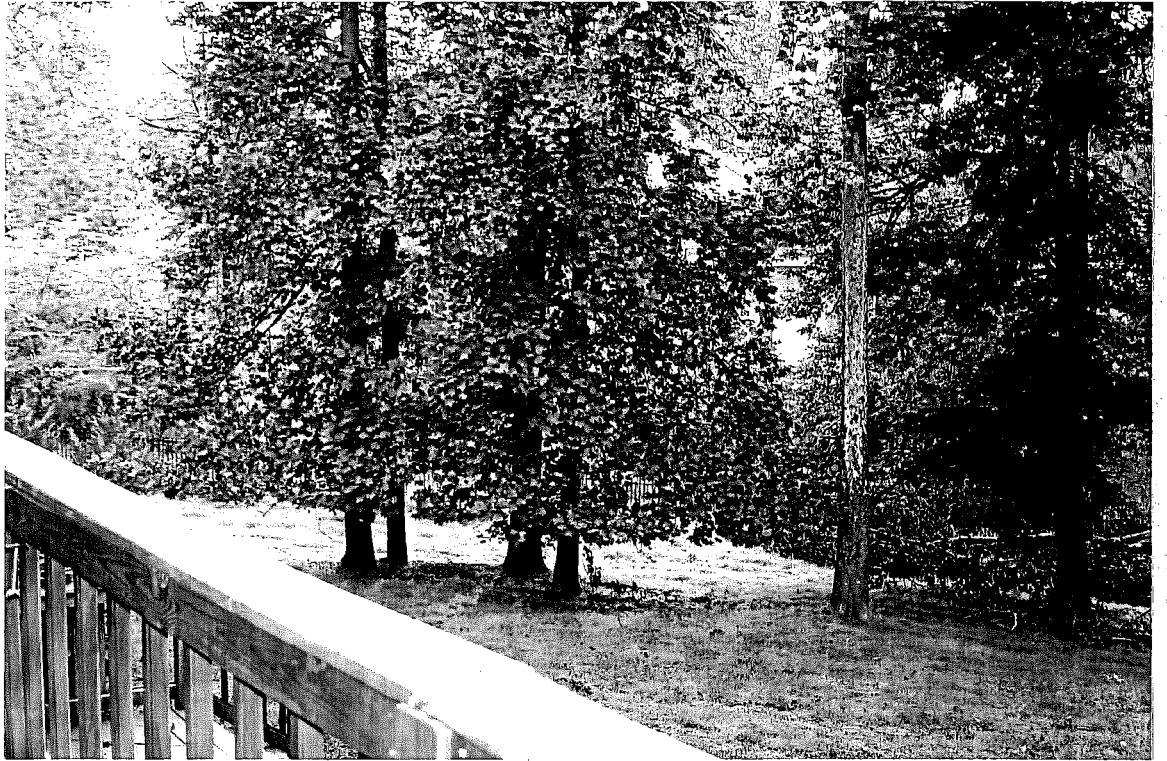


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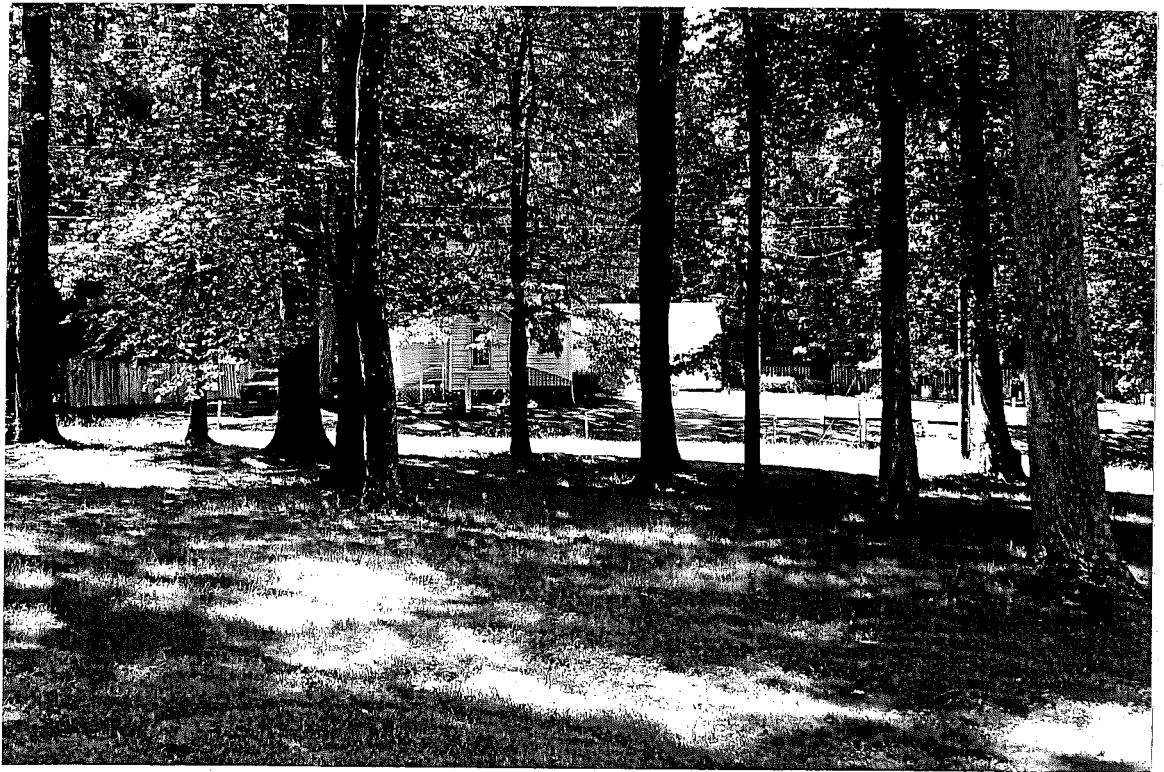


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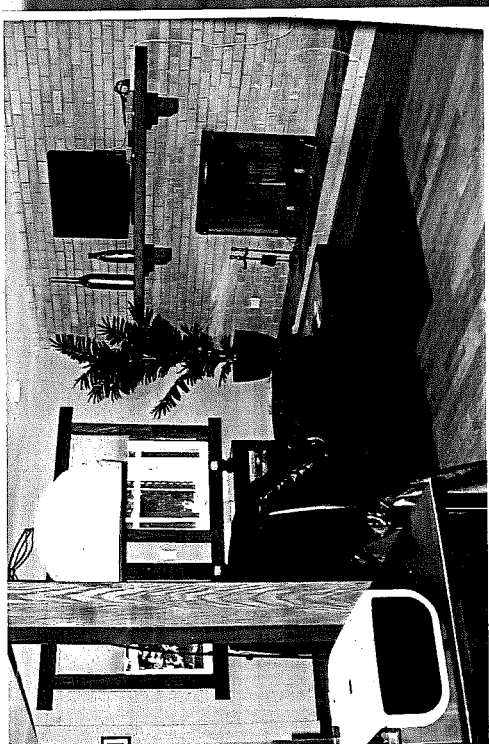
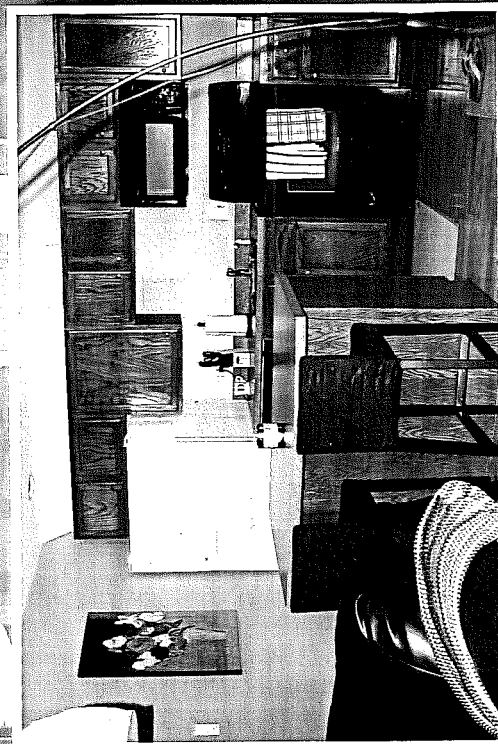
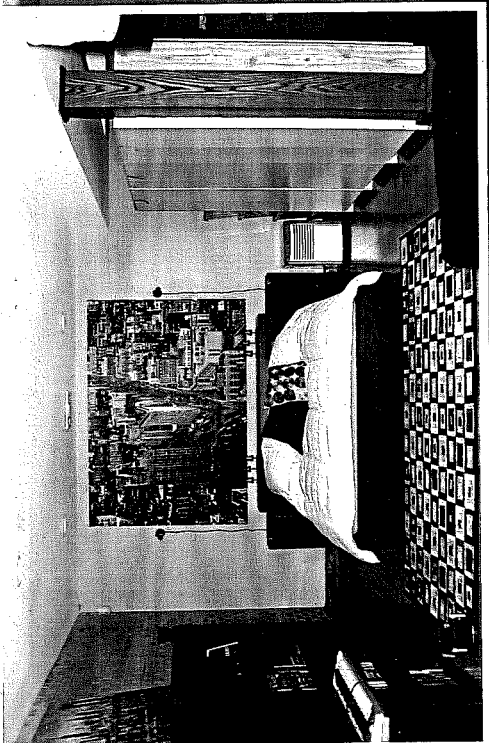
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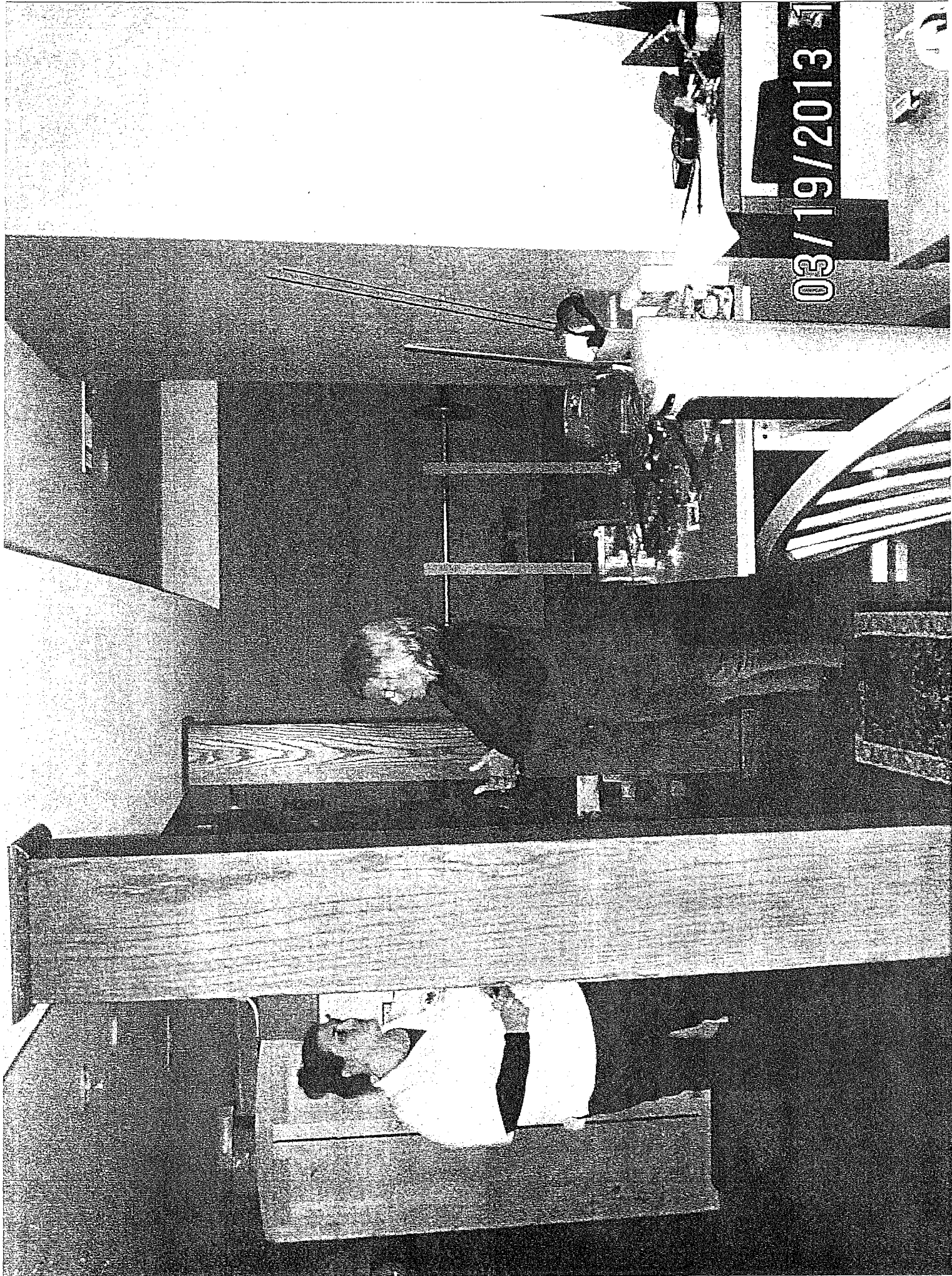
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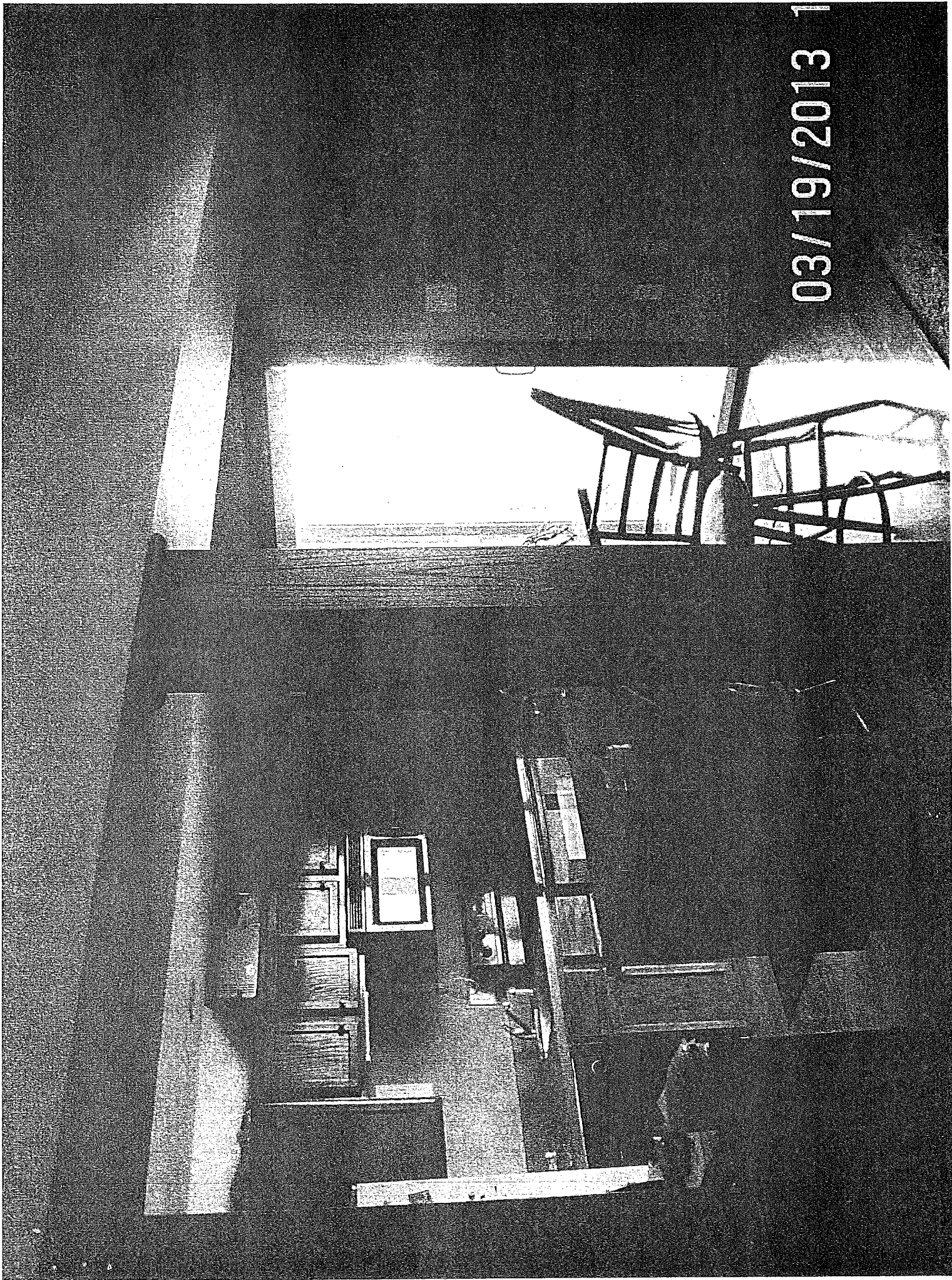
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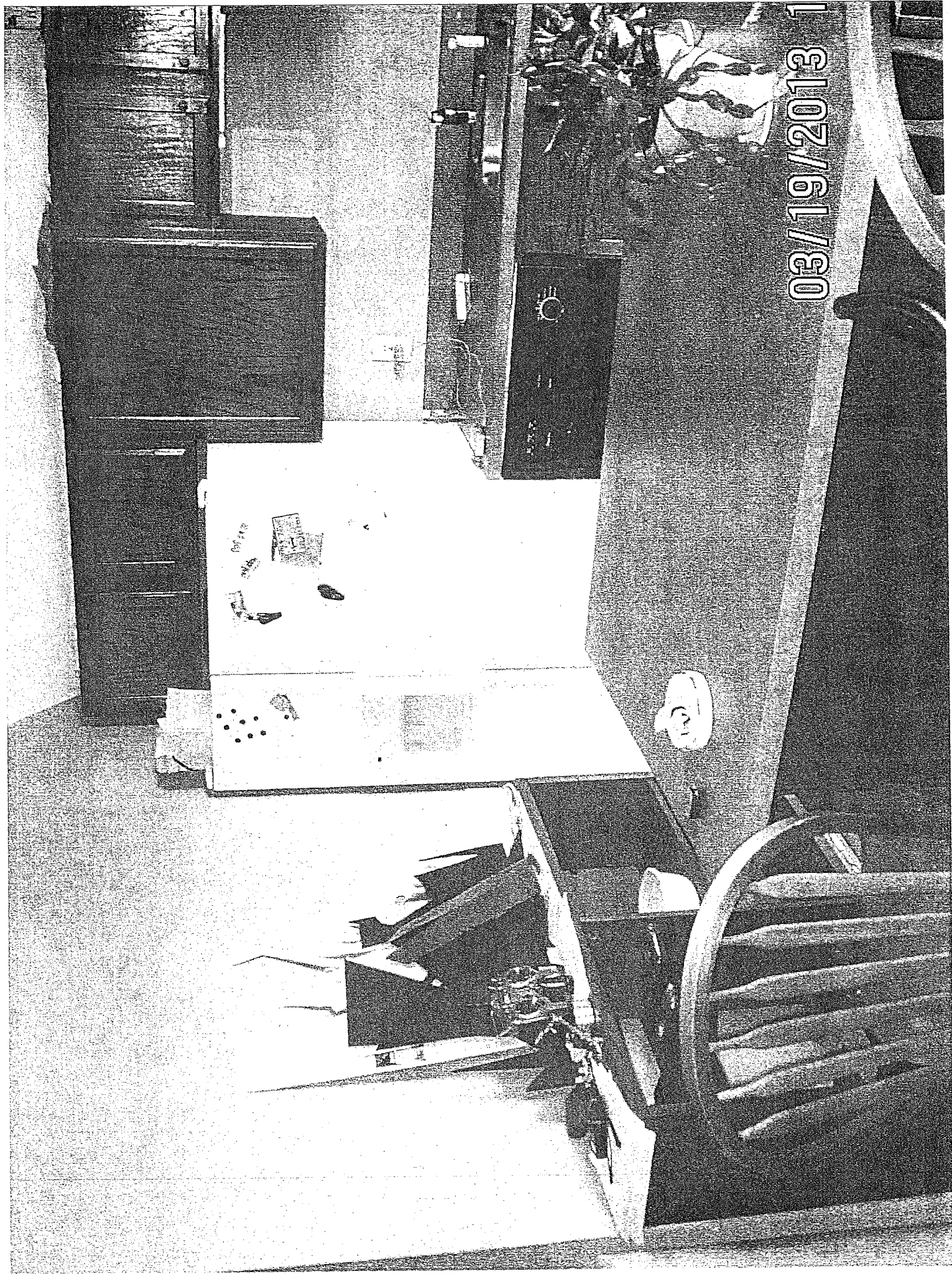


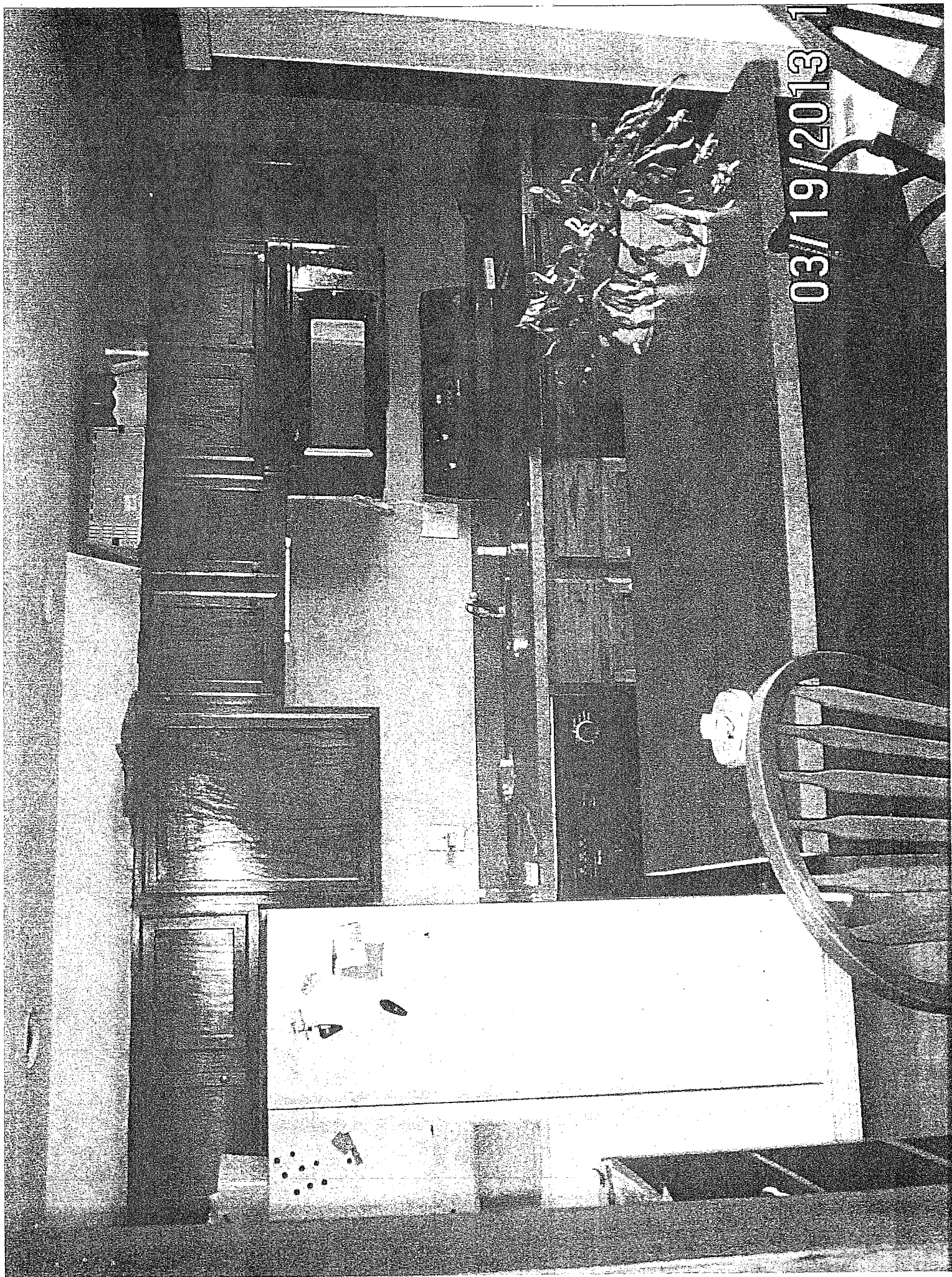




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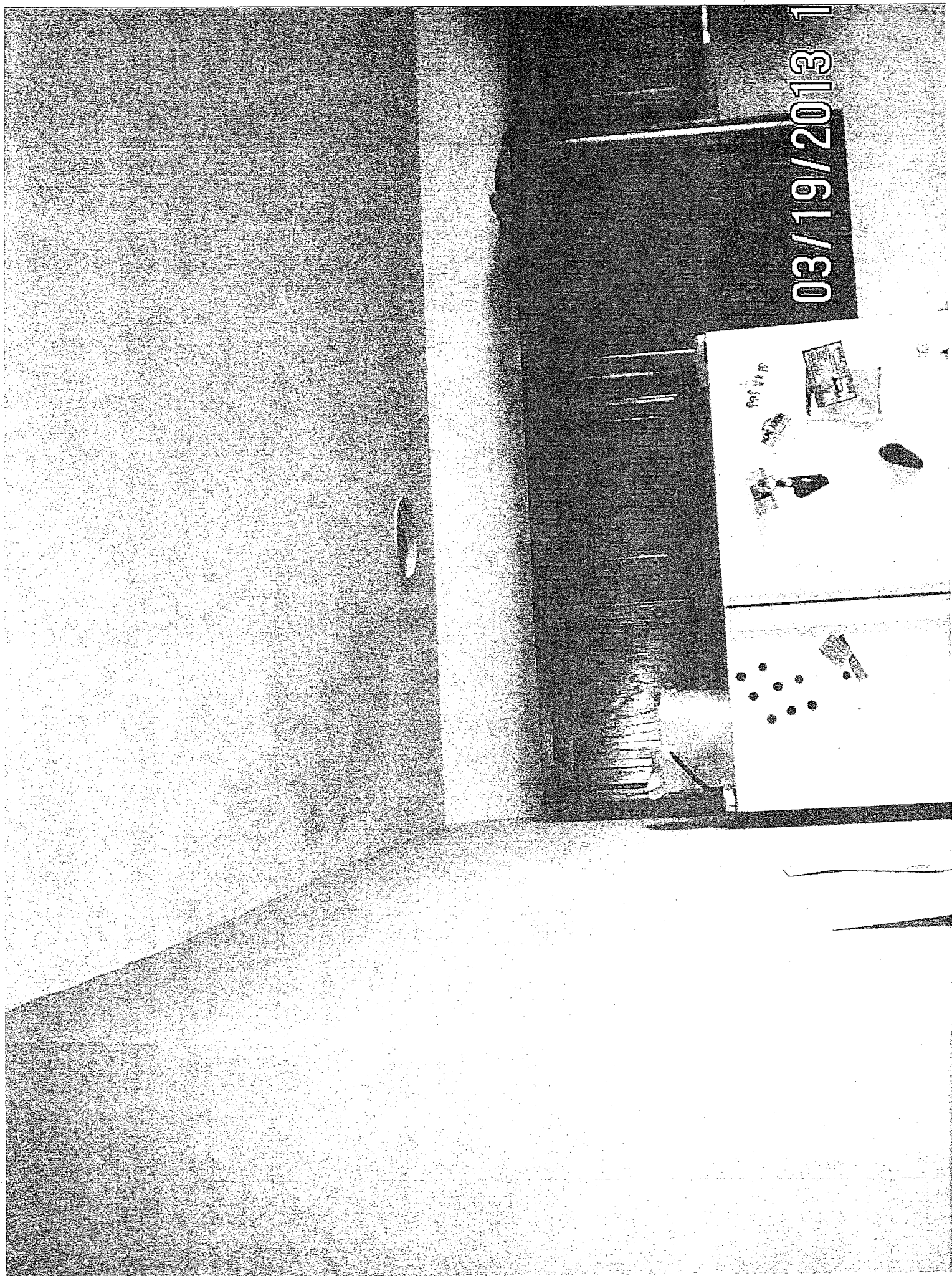




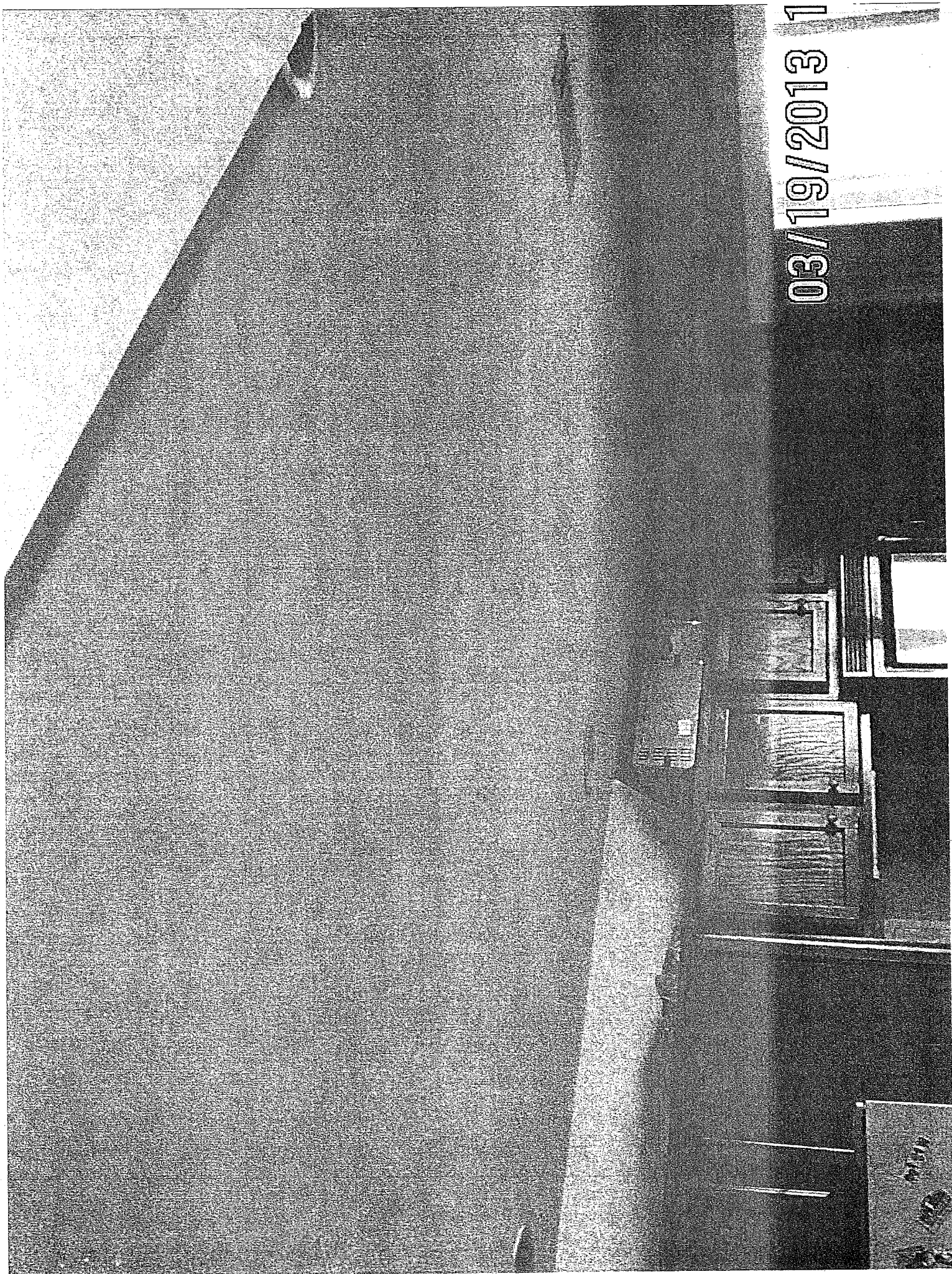


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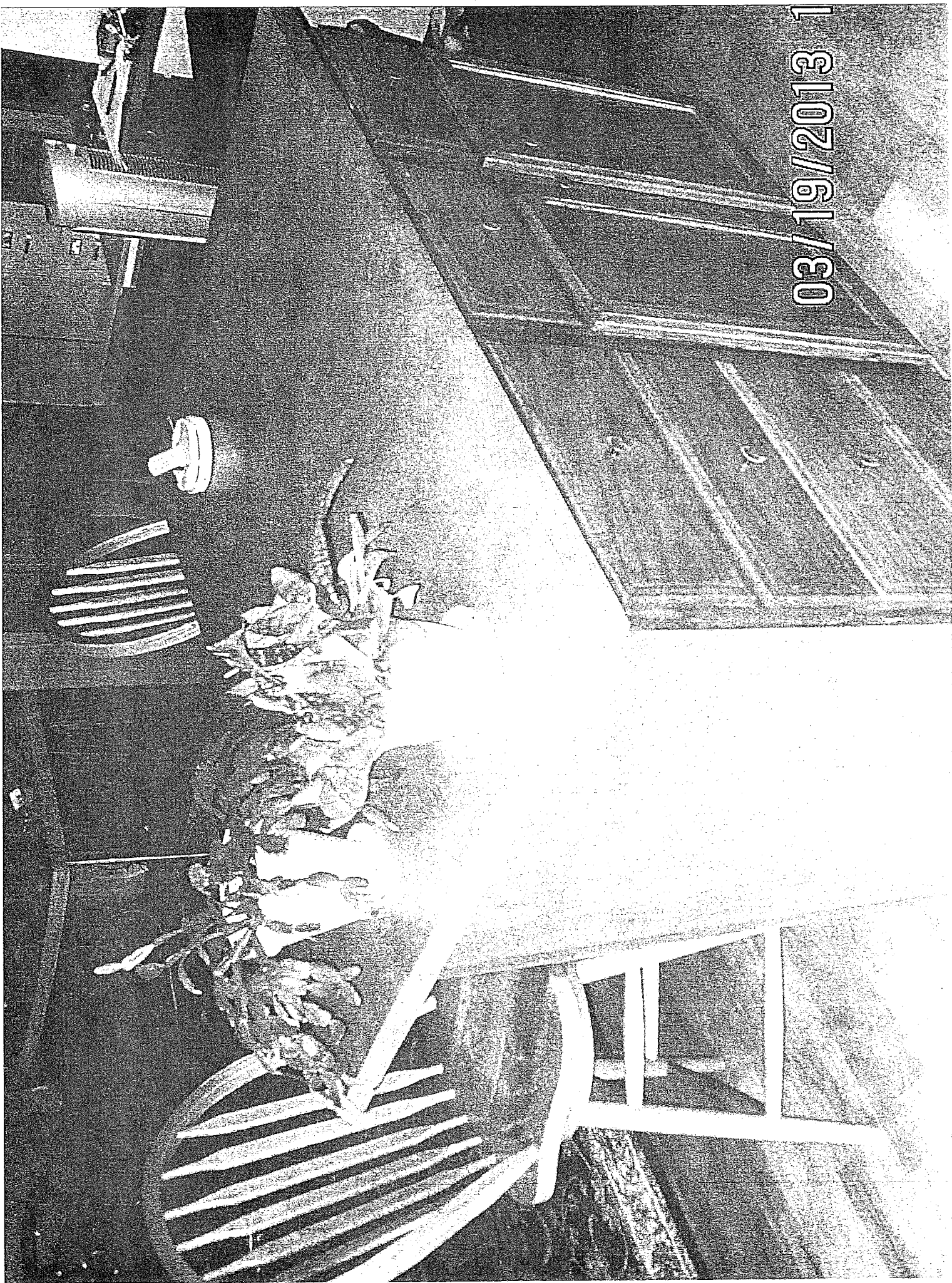
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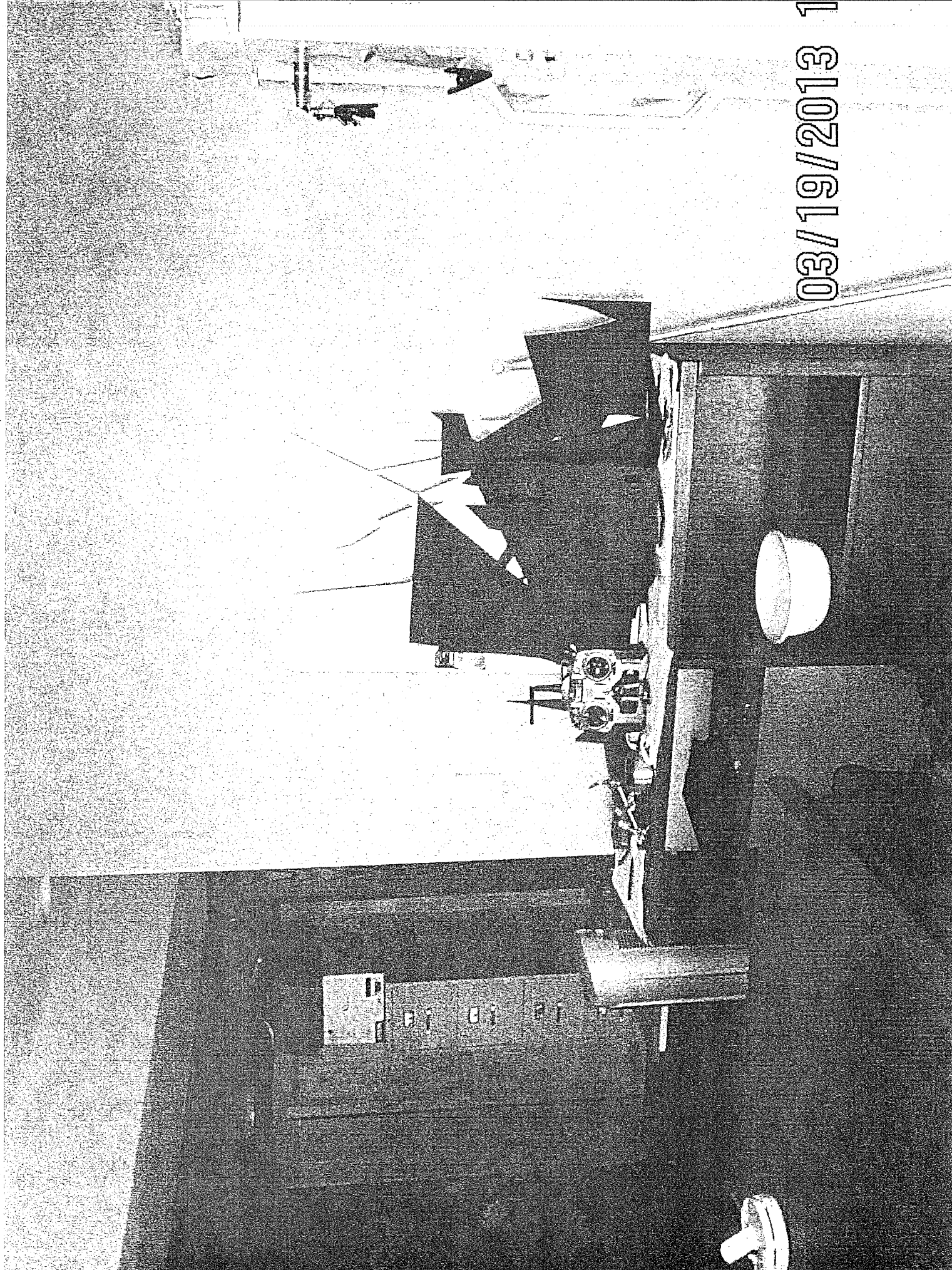
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DESCRIPTION OF THE APPLICATIONS

Special Permit Request #1: The first request is to permit an accessory dwelling unit in an existing dwelling.

Size of Principal Dwelling:

2,864 square feet (county tax records)

Size of Accessory Dwelling Unit:

832 square feet (29.1%)

Lot Size:

2.0 acres

Special Permit Request #2: The second request is to allow an accessory storage structure (shed) to remain in the minimum required front yard of a property over 36,000 square feet in size.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Shed	Front	50.0 feet	25.0 feet	25.0 feet	50%

* Minimum Yard Requirement per Sect. 3-E07

Variance Request: The applicant also requests a variance to permit a fence greater than 7.0 feet in height to remain in front yard.

Structure	Yards	Height Permitted By right	Maximum Height Requested	Modification Requested
Fence	Front	7.0 feet	7.4 feet	0.4 feet

LOCATION AND CHARACTER OF THE AREA

Existing Site Description

The application property is located at 11318 Beach Mill Road within the Beach Mill Hill Subdivision. The property is developed with a single family split-level brick and frame dwelling.

The property is a corner lot with two front yards, one along Beach Mill Road and one along Olympia Way. A 10.5 foot high shed and a 7.4 foot high fence exists in the front yard of the property along Olympia Way. An existing asphalt driveway accesses the property from Olympia Way (a private street). A deck and patio are attached to the rear of the dwelling. A drain field is located north of the dwelling in the rear yard. A two-story covered porch is attached to the front of the dwelling. The southern half property is mainly flat of the property is mainly flat and slopes towards the northwest corner of the property.

Primary access to the basement, where the proposed accessory dwelling unit is to be located, is provided by a stairway from the main level of the house. A patio is located to the north of the exterior entrance to the walk out basement. A stairway extends to the patio from the deck above and a stone walkway leads from the rear patio to the driveway.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-E
South	Place of Worship	R-E
East	Single Family Detached Dwellings	R-E
West	Single Family Detached Dwellings	R-E

BACKGROUND

According to Fairfax County tax records the single family dwelling was constructed in 1972. The applicants purchased the property in 2005. A building permit was approved on September 15, 2005, for the construction of a 7.0 foot by 26.0 foot covered porch with a with a deck on top, attached to the front of the house.

In June of 2009, an informational letter was sent to the applicants from the Zoning Administration Division, citing that a complaint had been received about outdoor storage. The applicants complied with the complaint and the case has been closed (Appendix 5).

A Notice of Violation (NOV) was established after a complaint was filed with the county in March of 2011, regarding multiple dwellings. It was found that the applicants had two complete and separate dwellings on the lot and a NOV was issued to the applicants on October 26, 2011, for a violation of Sect 2-501, the Limitation of the Number of Dwelling Units (Appendix 6).

A Corrective Work Order (CWO) was issued to the applicants on July 24, 2012, for failure to obtain required permits, inspections or approvals for alterations in the water supply, sanitary drainage and vent system, electrical wiring for the oven, microwave, ranger, sink, cabinets, refrigerators, and mechanical work in the accessory dwelling unit kitchen (Appendix 7). An Agreed Final Order was issued to the applicants in 2012 in reference to the NOV concerning of the establishment of more than one dwelling unit on the subject property (Appendix 8). On May 2, 2013 the Zoning Administrator extended the deadline established in the Agreed Final Order to allow the applicants time to submit the special permit application to the Zoning Evaluation Division (Appendix 9).

Records indicate there were no other applications for accessory dwelling units, increase in fence heights, or sheds in the front yard, for properties in the vicinity of the application site that have been heard by the BZA.

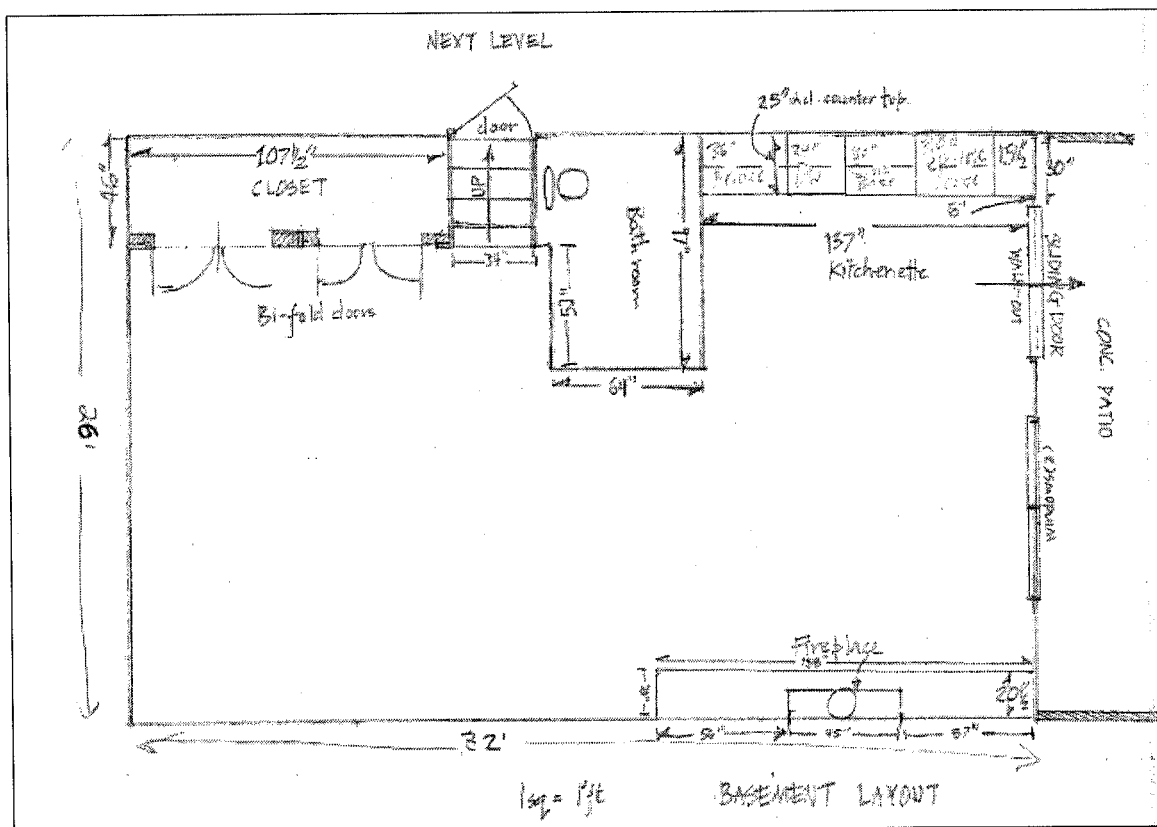
A copy of the special permit plat titled, "Special Permit Plat on the Property of Outlot A, Beach Mill Hill" prepared by Alexandria Surveys, LLC, dated April 16, 2013, is included in the front of the staff report.

Request:

The accessory dwelling unit is located in the basement of the single family dwelling. The applicants reside in the single family dwelling and one of the applicant's fathers, who is over 55 years of age, will live in the proposed accessory dwelling unit.

The principal dwelling consists of 2,864 square feet of above grade living area. The accessory dwelling unit is 832 square feet, or 29.1% of the gross floor area of the primary dwelling. The accessory dwelling unit consists of a kitchen, one bathroom and a combined living and sleeping area.

Primary access to the basement, where the proposed accessory dwelling unit is to be located, is provided by a stairway from the main level of the house. The proposed accessory dwelling unit has one egress point which is off of the kitchen area. Stairs to the main dwelling unit are located off the living and sleeping area. Please see the image below for the basement layout. Adequate parking for both the primary residence and the accessory dwelling unit exists in the current driveway, which can accommodate a minimum of four (4) vehicles.



The applicant is also requesting a special permit to allow a shed in the minimum required front yards of Olympia Way and a variance to allow a fence in a front yard over six feet in height.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-E Zoning District.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 10)

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-903, 8-914 and 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 10. Subject to development conditions, the special permit meets these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903, 8-914, and 8-918 are satisfied with adoption of the proposed development conditions. The applicants have worked with staff to ensure all of the Zoning Ordinance provisions related to the accessory dwelling unit have been addressed. Therefore, staff recommends approval of SP 2013-DR-032, for the accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1 of this staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicants' Affidavits
4. Applicants' Statements of Justification
5. Zoning Administration Division Letter dated June 26, 2009
6. Notice of Violation dated October 26, 2011
7. Corrective Work Order dated July 24, 2012
8. Agreed Final Order from 2012
9. Zoning Administrator Letter dated May 2, 2013
10. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-DR-032****July 10, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-DR-032 located at Tax Map 2-4 ((2)) A to permit an accessory dwelling unit, and an accessory storage structure in a minimum required front yard under Sects. 8-914, 8-918, and 10-104 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Jil Dutta and/or Abhijit Dutta and is not transferable without further action of this Board, and is for the location indicated on the application, 11318 Beach Mill Road (2.0 acres) and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Alexandria Surveys, titled "Special Permit Plat on the Property of Outlot A, Beach Mill Hill," dated April 16, 2013 as submitted with this application and is not transferable to other land.
4. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 832 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. All applicable building permits and final inspections shall be obtained for kitchen components in the accessory dwelling unit.
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory

dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.

9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site as shown on the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, twelve (12) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

PROPOSED DEVELOPMENT CONDITIONS

VC 2013-DR-004

July 10, 2013

1. This variance is approved for the location and height of the fences as shown on the plat prepared by Alexandria Surveys, LLC, titled "Special Permit Plat on the Property of Outlot A, Beach Mill Hill," dated April 16, 2013, as submitted with this application, and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Application No.(s): SP 2013-DR-032
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-10-2012
 (enter date affidavit is notarized)

I, Jil Dutta and Abhijit Dutta, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

117551

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Jil and Abhijit Dutta 11318 Beach Mill Rd Great Falls Va 22066	11318 Beach Mill Rd Great Falls Va 22066	Applicant Title owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2013-DR-032
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-10-2012
(enter date affidavit is notarized)

117551

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

NA

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

NA

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

NA

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-D12-032
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-10-2012
(enter date affidavit is notarized)

117551

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

NA

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NA

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-DK-032

(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

8-10-2012
(enter date affidavit is notarized)

117551

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2013-D12-032

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-10-2012
(enter date affidavit is notarized)

117551

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

Jil Dutta
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10th day of August 2012, in the State/Comm. of VIRGINIA, County/City of LOUDOUN.

Melanie Valdecanas
Notary Public

My commission expires: 10/31/2016

MELANIE A VALDECANAS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES OCT. 31, 2016
COMMISSION # 7083860

Application No.(s): VC 2013-DR-004
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 23 2013
(enter date affidavit is notarized)

I, Jil Dutta, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

119955

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME
(enter first name, middle initial, and last name)

ADDRESS
(enter number, street, city, state, and zip code)

RELATIONSHIP(S)
(enter applicable relationships listed in **BOLD** above)

Jil Dutta

11318 Beach Mill Rd
Great Falls, Va
22066

owner/Applicant

Abhijit Dutta

11318 Beach Mill Rd
Great Falls Va
22066

owner.

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

VC 2013-DK-004
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 25, 2013
(enter date affidavit is notarized)

119955

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

VC 2013-D12-004

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

March 26, 2013
(enter date affidavit is notarized)

119955

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

VC 2013-DR-004
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

March 25, 2013
(enter date affidavit is notarized)

119955

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

VC 2013-DK-004
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 25, 2013
(enter date affidavit is notarized)

119955

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

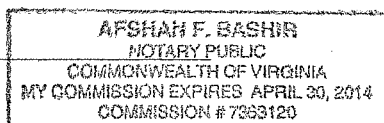
☒ Applicant

☐ Applicant's Authorized Agent

Jil Dutta
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 25 day of March, 20 13, in the State/Comm. of Virginia, County/City of Loudoun.

My commission expires:



Notary Public

Jil Dutta
11318 Beach Mill Road
Great Falls, Va 22066

2/25/2013

Dear Zoning Ordinance,

I am requesting that I be allowed to keep my fence at the height it is and that I also am able to keep my shed in the location that it is also. When we built the fence and shed in our back yard since it is behind our house. We did not realize that this area was actually being treated as the front of the house.

Our house on Beach Mill Road was built with a long driveway off Beach Mill road. Later two houses were built on lots off beach Mill road adjacent my lot. And one behind the other. So now I have two houses at my side lot.

To gain access to their house an easement was granted. So now they are using the original drive way to my house to access their houses and the driveway to 11318 Beach Mill Road was given the name Olympia way and is now a county street. It was a dirt road until my neighbor took it upon himself to pave it.

My house has these two properties facing my back yard when they drive to their house see into my back yard. Once on their property they cannot see into my back yard because their house is set back and far from Olympia way. My house sits up on a hill that is level to Beach Mill Road. The side and the back slope down at a sharp pitch. This is why the fence was built in three sections 6.5 7.0 and 7.4 feet so it would keep ethically pleasing lines as it followed the slope in the hill.

The fence provides privacy to my back yard. Without this fence I have no privacy when I am outside.

The fence also provides a place for my trash cans and other unsightly back yards stuff. These things otherwise would be in view when on Olympia way. My two neighbors who live on Olympia way, or walking and compelled to look behind my house to see what is there or what I am doing do not have to see my back yard or what I am doing. Without this fence I can not do my part and keep Olympia way looking tidy. The fence in no way interferes with their property. And is not a detriment to these two adjacent properties.

If you refer to my photos you will see the fence is very nice and is keeping with the house architecture.

The Shed holds my riding lawn mower and other landscaping and yard maintenance tools. This was the only location uphill enough to access the riding lawn mower on hard level ground. Putting it on the other side of my house would be difficult to access and would be visible to beach mill road. I think you will agree if you took a look at the extraordinary situation and topography of my lot and placement of house that this was the best placement of the shed.

This is a very unusual situation and is not a recurring in nature as to make reasonable practicable the formulation as a general regulation to be adopted by the board of Supervisors as an amendment to the Zoning ordinance

The intent and character of the zoning district will not be changed by the grant of these two ordinances.

The variance will be in harmony with the intended spirit and propose of the Ordinance and will not be contradictory to public interest.

Thank you very much for your consideration,

Kindest regards,

Jil Dutta

703-349-3318

Jil Dutta
11318 Beach Mill Road
Great Falls, Va 22066

4/3/2013

Dear Zoning Ordinance,

1. The property at 11318 Beach Mill Road was purchased in good faith.

I am requesting that I be allowed to keep my fence at the height it is and that I also am able to keep my shed in the location that it is also.

2. we have an extraordinary situation or condition of the use or development of the property immediately adjacent to the subject property. A private street Called Olympia Way was built after my house was built only so 2 houses alongside my house could have access to their driveway yard. So Olympia way is not truly my front yard.

Our house on Beach Mill Road was built with a long driveway off Beach Mill road. Later two houses were built on lots off beach Mill one on Beach mill the other behind the first lot and adjacent my lot. So now I have two houses at my side lot.

To gain access to their house an easement was granted. So now they are using the original drive way to my house to access their houses and the driveway to 11318 Beach Mill Road was given the name Is was shared dirt drive way that was shared by three houses until my neighbor took it upon himself to pave it.

3 My house has these two properties facing my back yard when they drive to their house see into my back yard. Once on their property they cannot see into my back yard because there house is set back and far from Olympia way. My house sits up on a hill that is level to Beach Mill Road. The side and the back slope down at a sharp pitch. This is why the fence was built in three sections 6.5 7.0 and 7.4 feet so it would keep ethically pleasing lines as it followed the slope in the hill. The fence provides privacy to my back yard. Without this I fence I have no privacy when I am outside. The fence also provide a place for my trash cans and other unsightly back yards stuff. These things otherwise would be in view. My two neighbors who live on Olympia way, or walking and compelled to look behind my house to see what is there or what I am doing do not have to see my back yard or what I am doing. The fence in no way interferes with their property. And is not a detriment to these two adjacent properties. And is a very uncommon situation and not recurring as to make it reasonable practicable the formation of the general regulation to be adopted by the board of Supervisors as an amendment.

RECEIVED
Department of Planning & Zoning

APR 08 2013

Zoning Evaluation Division

4- strict application of this ordinance would cause undue hardship. To treat Olympia way as another front to my house would limit my use of my property too much and impose on my privacy and ability to keep a tidy yard.

5- Such undue hardship is not shared generally by other in the same zoning district and the same vicinity.

6 a - Strict application of the zoning ordinance would effetely prohibit or unreasonably restrict the utilization or of the subject property

7 – The Authorization of the variance will not be of substantial determent to the adjacent property.

If you refer to my photos you will see the fence is very nice and is keeping with the house architecture.

The Shed holds my riding lawn mower and other landscaping and yard maintenance tools. This was the only location uphill enough to access the riding lawn mower on hard level ground. Putting it on the other side of my house would be difficult to assess and would the be visible to beach mill road. I thisk you will agree it you took a look at the extraordinary situation and topography of my lot and placement of house that this was the best placement of the shed.

This is a very unusual situation and is not a recurring in nature as to make reasonable practicable the formulation as a general regulation to be adopted by the board of Supervisors as an amendment to the Zoning ordinance

8 The intent and character of the zoning district will not be changed by the grant of these two ordinances.

9 The variance will be in harmony with the intended spirit and propose of the Ordinance and will not be contradictory to public interest.

Thank you very much for your consideration,

Kindest regards,

Jil Dutta

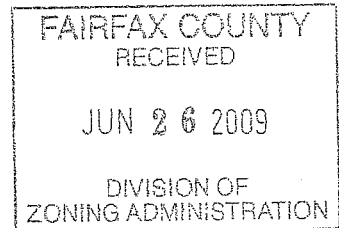
703-349-3318



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

INFORMATIONAL LETTER



DATE OF ISSUANCE:

June 26, 2009

CERTIFIED MAIL

7009 0080 0001 6108 2897

CASE #: 51502

ISSUED TO:

Abhijit Dutta

LOCATION:

11318 Beach Mill Road
Great Falls, Virginia 22066
Beach Mill Hill, Out lot A
Zoning District: R-E
TM# 0024 02 A

PROPERTY OWNER(S):

Abhijit Dutta

ADDRESS:

11318 Beach Mill Road
Great Falls, Virginia 22066

Dear Property Owner:

Our office has received a complaint regarding the **outdoor storage** of lawn equipment, bags of mulch, piles of stones and large piles of trees that had been cut throughout the yard at this residentially zoned property. The purpose of this letter is to inform you of the Fairfax County Zoning Ordinance regulations regarding this issue

Outdoor Storage

Par. 24 of Sect. 10-102 of the Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.


If you are not in compliance with Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance, please be advised that compliance can be accomplished by the following:

- Removing all outdoor storage from this lot; or
- Screening it from view from the first story window of any neighboring dwelling; and
- Limiting it to a total area not exceeding 100 square feet in the rear half of the lot.

If another complaint is filed regarding this subject matter, an inspection will be conducted at referenced property to substantiate whether there is a violation and a Notice of Violation will be issued for non-compliance.

Should you have any questions or need additional information, please do not hesitate to contact me or the Inspector of the Day at 703-324-1300.

Sincerely,



Ellen Abel
Administrative Assistant II



County of Fairfax, Virginia

Return Copy

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: October 26, 2011

SHERIFF'S LETTER

CASE #: 201101276 **SR#:** 69341

SERVE: Abhijit Dutta
Jil Dutta
11318 Beach Mill Rd
Great Falls, VA 22066

LOCATION 11318 Beach Mill Rd
OF VIOLATION: Great Falls, VA 22066-3030
Tax Map #: 2-4 ((2)) A
Zoning District: R-E
Dranesville District

Dear Property Owner:

An inspection of the above referenced property on October 26, 2011, revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

Abhijit Dutta
Jil Dutta
October 26, 2011
Page 2

Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building....

You are hereby directed to clear this violation within fifteen (15) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Abhijit Dutta

Jil Dutta

October 26, 2011

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Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1328 or (703)324-1300.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Collingsworth". The signature is written in dark ink and is positioned above the printed name and title.

Rebecca Collingsworth

Code Compliance Investigator



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: July 24, 2012

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Abhijit Dutta and Jil Dutta
ADDRESS: 11318 Beach Mill Road
Great Falls, Virginia 22066

LOCATION OF VIOLATION: 11318 Beach Mill Road
Great Falls, Virginia 22066-3030

TAX MAP REF: 2-4 ((2)) A

CASE #: 201101276 **SR#:** 77655

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on April 4, 2012 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 10 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On November 30, 2012, County staff inspected the above referenced premises and discovered that alterations to the water supply, sanitary drainage and vent system, also electrical wiring for the oven, microwave, range, sink, cabinets, refrigerator, and mechanical work was performed in the kitchen located in the basement without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within ten (10) calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

1. Schedule and pass the required County inspection(s) for the work described above within ten (10) calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703) 324-9326 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201101276.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703) 324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

You are directed to notify James Watson by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-9326 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703) 324-9326 or the main office at (703) 324-1300.

Notice Issued By: James Watson
Technical Assistant to the Building Official
Department of Code Compliance

Signature: _____

James Watson

CC: Case File

Chuck O'Donnell, Residential Inspections Branch Chief

MAP #: 0024 02 A
DUTTA ABHIJIT

11318 BEACH MILL RD

Owner

Name	DUTTA ABHIJIT,
Mailing Address	11318 BEACH MILL RD GREAT FALLS VA 22066 3030
Book	17394
Page	2047
Web Control Number	

Parcel

Property Location	11318 BEACH MILL RD
Map #	0024 02 A
Tax District	20100
District Name	DRANESVILLE DIST. #1
Land Use Code	Single-family, Detached
Land Area (acreage)	2
Land Area (SQFT)	
Zoning Description	RE(Res Estate 1DU/2AC)
Utilities	WATER NOT AVAILABLE SEWER NOT AVAILABLE GAS NOT AVAILABLE
County Historic Overlay District	NO For further information about Historic Overlay Districts, CLICK HERE

Street/Road
Site Description

Additional Owners

DUTTA JIL

Legal Description

Legal Description	BEACH MILL HILL OUTLOT A
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Sales History

Date	Amount	Seller	Buyer
06/15/2005	\$950,000	HIGGINS MILDRED M	DUTTA ABHIJIT
02/28/1996	\$0		HIGGINS MILDRED M
04/09/1980	\$0		

Sales

Date	06/15/2005
Amount	\$950,000
Seller	HIGGINS MILDRED M
Buyer	DUTTA ABHIJIT
Notes	Valid and verified sale
Deed Book and Page	17394-2047
Additional Notes	

1 of 3

Values

Tax Year	2012
Current Land	\$451,000
Current Building	\$289,760
Current Assessed Total	\$740,760
Tax Exempt	NO
Note	

Zoning Evaluation Division

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Defendants.

CASE NO. CL-2012-_____

THIS CAUSE came before the Court at the request of Plaintiff Eileen M.

McLane, Fairfax County Zoning Administrator (“Zoning Administrator”), and Defendants, Abhijitt Dutta and Jil Dutta (“Defendants”), for the entry of this Agreed Final Order; and

IT APPEARING TO THE COURT that the property owned by the Defendants that is the subject of this lawsuit is located at 11318 Beach Mill Road, Great Falls, Virginia (Tax Map No. 2-4((2)) parcel A) ("subject property"), contains approximately two acres, and is zoned to the R-E District (Residential-Estate District, One Dwelling Unit/ Two Acres); and

IT FURTHER APPEARING TO THE COURT that the Defendants are establishing and/or maintaining more than one dwelling unit on the subject property in violation of the Fairfax County Zoning Ordinance ("Zoning Ordinance") § 2-501; and

IT FURTHER APPEARING TO THE COURT that the Defendants have received a copy of the Complaint filed in this action; and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator and the Defendants have agreed to settle this case under the terms and conditions set forth below as evidenced by the endorsements hereon of the Defendants and counsel for the Zoning Administrator; and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator and the Defendants with the approval of this Court; and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order should be entered; now, therefore, it is hereby

ADJUDGED and ORDERED as follows:

1. Establishing and/or maintaining more than one dwelling unit on the subject property violates Zoning Ordinance § 2-501; and
2. The Defendants shall, within 30 days after the entry of this Agreed Final Order, submit a full and complete application for a Special Permit for an accessory dwelling unit to the Fairfax County Board of Zoning Appeals ("BZA") to permit the Defendants to establish and/or maintain two dwelling units on the subject property subject to the conditions of the Special Permit ("Special Permit"); and
3. The Defendants shall diligently and expeditiously pursue the BZA's approval of their Special Permit application, cooperate in scheduling the earliest possible hearing date on the application, and satisfy all requests and conditions of the BZA and

County Staff relative to the Special Permit application and the approved Special Permit within 14 days, if no other time is specified by the BZA, and the parties agree that the failure to comply with this provision shall be considered a failure to diligently pursue the BZA's approval of such application and/or a failure to comply with any conditions imposed on an approved Special Permit; provided however, that the Zoning Administrator in her sole discretion, may agree to extend the deadlines set forth herein as long as such agreement is in a writing signed by the Zoning Administrator; and

4. If the Defendants fail to timely submit a complete Special Permit application, fail to obtain the BZA's approval of the Special Permit application, or fail to diligently pursue the BZA's approval of such application as defined above, the Defendants shall, within 30 days after the first to occur of these events, permanently reduce the number of dwelling units on the subject property to not more than one as required by Zoning Ordinance § 2-501 by lawfully and permanently removing from the subject property all dwelling units exceeding one, including all utilities, furnishings, and appliances related thereto, to a lawful site, with such removal to include the capping and sealing of all utilities in the walls and removing all stoves, ovens, microwave ovens, ranges, toaster ovens, cabinets, countertops, refrigerators, freezers, and sinks on a permanent basis and all interior door locks that prevent the free and unfettered access to all common living areas in the single-family dwelling on the subject property and prevent the free and unfettered access between the various levels of the single-family dwelling on the subject property; and

5. Subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from establishing,

maintaining, and/or allowing the maintenance of more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501 at any time in the future without the approval by the BZA of a Special Permit permitting an accessory dwelling unit on the subject property; and

6. Subject to the times set forth herein for remediation, establishing, maintaining, and/or allowing the maintenance of more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501 at any time in the future is permanently enjoined without the approval by the BZA of a Special Permit permitting an accessory dwelling unit on the subject property; and

7. Should the BZA approve a Special Permit permitting an accessory dwelling unit on the subject property, the Defendants shall promptly and fully comply with all terms and conditions imposed by the BZA on the approved Special Permit; and

8. The Zoning Administrator and/or her agents shall be permitted to enter dwelling on the subject property at reasonable times to inspect and photograph the interior of the dwelling on the subject property for the purpose of monitoring compliance with the terms of this Agreed Final Order; and

9. If the Defendants and/or their agents, employees, tenants, and/or successors-in-interest fail to comply with any of the provisions set forth in this Agreed Final Order, they, he, she, or it shall pay \$100 to the County of Fairfax (delivered to the Office of the County Attorney in the form of a certified check made payable to the "County of Fairfax") for each day the Court finds the subject property is in violation of this Agreed Final Order. Payment of this amount shall be in addition to any sanctions the

Court may impose upon a finding of contempt for any violation of this Agreed Final Order; and

10. The terms and deadlines set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties with the approval of this Court; and

11. The Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227 (Supp. 2011), to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendants and shall index this Agreed Final Order as follows:

GRANTOR: Abhijit Dutta; Jil Dutta

GRANTEES: Eileen M. McLane; Fairfax County Zoning Administrator

AND THIS ORDER IS FINAL.

ENTERED this _____ day of _____ 2012.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By _____

Sara G. Silverman (VSB No. 77317)
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
Telephone: (703) 324-2421
Facsimile: (703) 324-2665
Counsel for Plaintiff Eileen M. McLane, Fairfax County Zoning Administrator

SEEN AND AGREED:

Abhijit Dutta
11318 Beach Mill Road
Great Falls, Virginia 22066
Defendant *Pro se*

SEEN AND AGREED:

Jil Dutta
11318 Beach Mill Road
Great Falls, Virginia 22066
Defendant *Pro se*
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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 2, 2013

Mr. Abhijit Dutta
Ms. Jil Dutta
11318 Beach Mill Road
Great Falls, Virginia 22066

Re: Eileen M. McLane, Fairfax County Zoning Administrator v. Abhijitt Dutta, et al.;
CL 2012-12685

Dear Mr. and Mrs. Dutta:

On September 26, 2012, Fairfax County Circuit Court Judge Randy I. Bellows entered an Agreed Final Order ("September 26, 2012, Agreed Final Order") that required you "to submit a full and complete application for a Special Permit for an accessory dwelling unit to the Fairfax County Board of Zoning Appeals" by October 26, 2012. You did not complete your application for a Special Permit for an accessory dwelling unit until April 25, 2013.

The Agreed Final Order also provides, however, that I may agree to extend the deadlines set forth in the Agreed Final Order, in my sole discretion (*See* September 26, 2012, Agreed Final Order, Paragraph 3). Pursuant to this provision, I hereby agree to extend the deadline for you to submit a full and complete application for a Special Permit for an accessory dwelling unit contained within Paragraph 2 of the September 26, 2012, Agreed Final Order to April 25, 2013. Please be aware that all other deadlines contained within the September 26, 2012, Agreed Final Order remain in full force and effect.

Very truly yours,

Leslie B. Johnson
Zoning Administrator

cc: John W. Foust, Supervisor, Dranesville District
Sara Silverman, Assistant County Attorney
Michael Congleton, Code Authority and Strategic Initiatives Manager, DCC
Virginia Ruffner, Applications Acceptance Branch, ZED

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
 - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.

18-404**Required Standards for Variances**

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405**Conditions**

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.